

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, for the fiscal year ending June 30, 2001, the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance with the provisions of clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be \$730,000,000 and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund; provided further, that the total amount of lottery distribution in fiscal year 2000 shall be considered "general revenue sharing aid received in the prior fiscal year" for purposes of calculating the municipal revenue growth factor pursuant to the provisions of chapter 70 of the General Laws; provided further, that the entire amount of the distribution made by this section shall be exempt from the provisions of section 5 of said chapter 70.

Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district, independent agricultural school and county maintaining an agricultural school from items 0611-5500 and 7061-0008 of section 2 shall be as set forth in the following lists; provided, that the specified amounts to be distributed from item 7061-0008 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under the provisions of sections 3, 6 and 7 of chapter 70 of the General Laws; provided further, that the amounts to be distributed from item 0611-5500 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws. No payments to cities, towns, or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until she receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section 43 of chapter 44 of the General Laws.

Notwithstanding any general or special law to the contrary, any Chapter 70 school aid amount allocated to any school district for fiscal year 2001 in excess of the amount that appeared in section 3 of House Bill 1a shall be made available to the district's school committee for expenditure without further local appropriation upon the request of the school committee and the vote of the local appropriation authority as defined in section 21C of chapter 59 of the General Laws, following a recommendation

of the local appropriation, finance, or advisory committee, if any.

Notwithstanding the provisions of any general or special law to the contrary, the sum appropriated in item 7061-0022 of section 2 shall be for disbursement to certain cities and towns as provided in said item and in this section.

Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
ABINGTON	6,135,872	-	-	1,937,749
ACTON	2,363,989	-	37,368	1,322,758
ACQUINNAH	-	-	-	2,099
ACUSHNET	4,877,135	-	30,043	1,481,867
ADAMS	-	-	44,096	1,911,461
AGAWAM	11,423,637	-	-	3,494,173
ALFORD	-	-	-	14,479
AMESBURY	9,823,277	-	-	1,957,049
AMHERST	5,753,392	58,306	280,503	7,548,416
ANDOVER	5,603,417	-	-	1,743,403
ARLINGTON	5,611,898	-	5,652,310	4,289,441
ASHBURNHAM	-	-	-	650,346
ASHBY	-	-	-	383,684
ASHFIELD	119,531	-	-	156,982
ASHLAND	2,380,142	-	366,937	993,030
ATHOL	-	-	5,507	2,094,731
ATTLEBORO	22,945,750	-	-	5,354,887
AUBURN	4,060,120	-	-	1,611,348
AVON	645,565	-	504,148	386,098
AYER	4,309,573	34,722	55,642	726,492
BARNSTABLE	6,967,632	-	-	1,953,128
BARRE	7,626	-	-	743,766
BECKET	90,401	-	10,797	72,817
BEDFORD	2,073,455	-	609,391	774,826
BELCHERTOWN	7,311,796	-	-	1,436,513
BELLINGHAM	7,419,008	-	-	1,807,558
BELMONT	3,310,644	-	1,041,278	1,703,869
BERKLEY	3,889,073	-	-	520,941
BERLIN	606,774	-	-	213,679
BERNARDSTON	-	-	-	244,561
BEVERLY	7,077,302	-	3,086,077	3,866,695
BILLERICA	13,905,674	-	2,956,313	4,009,427
BLACKSTONE	145,640	-	-	1,244,987
BLANDFORD	-	-	-	111,621
BOLTON	-	-	-	176,078
BOSTON	197,517,540	4,050,572	206,638,214	60,418,459
BOURNE	3,390,395	-	443,645	1,126,839
BOXBOROUGH	1,359,970	-	-	228,088
BOXFORD	1,654,948	-	45,818	431,807
BOYLSTON	403,611	-	-	333,768
BRAINTREE	5,059,969	-	4,250,822	3,096,253
BREWSTER	994,524	-	-	365,303
BRIDGEWATER	126,280	-	-	3,059,904
BRIMFIELD	1,080,631	-	-	340,958
BROCKTON	98,005,653	813,718	5,424,063	17,153,986
BROOKFIELD	1,615,943	-	-	462,568

Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
BROOKLINE	5,549,388	-	4,401,448	3,801,021
BUCKLAND	7,971	-	-	256,065
BURLINGTON	4,027,283	-	1,744,603	1,511,742
CAMBRIDGE	8,008,094	280,884	22,595,349	7,726,972
CANTON	2,813,549	-	1,104,851	1,385,832
CARLISLE	647,006	-	18,534	207,382
CARVER	8,535,497	-	-	1,367,373
CHARLEMONT	87,310	-	-	147,810
CHARLTON	-	-	-	1,200,532
CHATHAM	505,305	-	-	161,860
CHELMSFORD	7,166,800	-	3,190,395	3,059,231
CHELSEA	37,834,256	406,231	4,274,507	5,250,941
CHESHIRE	255,668	-	-	501,478
CHESTER	-	-	-	154,249
CHESTERFIELD	140,703	-	-	115,640
CHICOPEE	33,749,961	226,072	1,504,526	9,375,647
CHILMARK	-	-	-	3,744
CLARKSBURG	1,265,524	-	16,502	343,701
CLINTON	8,557,606	41,710	220,865	2,106,235
COHASSET	1,327,934	-	209,013	409,154
COLRAIN	-	-	-	213,393
CONCORD	1,790,498	-	483,163	913,936
CONWAY	686,757	-	-	154,661
CUMMINGTON	31,908	-	-	67,537
DALTON	281,190	-	-	935,658
DANVERS	3,718,491	-	1,408,080	1,908,942
DARTMOUTH	6,996,173	-	-	2,427,815
DEDHAM	3,341,646	-	1,950,847	2,122,589
DEERFIELD	739,719	-	-	461,642
DENNIS	-	-	-	513,837
DIGHTON	-	-	-	665,349
DOUGLAS	5,227,778	-	-	634,391
DOVER	381,064	-	-	199,223
DRACUT	12,830,120	-	-	3,380,829
DUDLEY	-	-	-	1,443,703
DUNSTABLE	-	-	37,846	181,567
DUXBURY	3,001,647	-	-	908,556
EAST BRIDGEWATER	8,504,670	-	-	1,414,950
EAST BROOKFIELD	15,135	-	-	264,324
EAST LONGMEADOW	3,563,594	-	-	1,278,630
EASTHAM	289,905	-	-	139,551
EASTHAMPTON	7,355,933	45,640	137,004	2,553,997
EASTON	6,561,475	-	-	2,074,184
EDGARTOWN	374,673	-	35,873	44,895
EGREMONT	-	-	-	62,697
ERVING	287,238	-	16,548	63,521
ESSEX	771,504	-	42,569	225,598
EVERETT	16,163,309	185,345	5,139,628	3,353,663
FAIRHAVEN	6,776,542	39,690	492,569	1,937,429
FALL RIVER	78,564,299	611,721	2,882,862	21,431,851
FALMOUTH	4,820,267	-	-	1,326,693
FITCHBURG	31,865,917	334,004	270,312	7,888,703
FLORIDA	512,250	-	-	50,851
FOXBOROUGH	6,396,893	-	-	1,504,507
FRAMINGHAM	8,258,128	212,151	5,911,189	6,117,298
FRANKLIN	17,637,074	-	-	2,361,969
FREETOWN	969,826	-	-	923,868
GARDNER	14,413,888	62,510	151,944	3,800,826

Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
GEORGETOWN	3,079,740	-	66,691	657,164
GILL	-	-	-	202,313
GLOUCESTER	6,198,905	83,856	2,419,911	2,505,990
GOSHEN	88,006	-	-	66,116
GOSNOLD	3,850	-	2,469	514
GRAFTON	4,948,767	-	-	1,502,629
GRANBY	2,810,524	-	-	797,806
GRANVILLE	746,590	-	-	131,585
GREAT BARRINGTON	-	-	-	754,373
GREENFIELD	9,349,216	86,585	-	2,929,888
GROTON	-	-	-	696,893
GROVELAND	-	-	-	635,807
HADLEY	645,338	-	174,084	308,607
HALIFAX	2,274,794	-	-	882,090
HAMILTON	-	-	53,967	592,355
HAMPDEN	-	-	-	570,125
HANCOCK	102,739	-	22,195	38,185
HANOVER	3,649,473	-	1,669,092	1,033,701
HANSON	-	-	-	1,213,860
HARDWICK	-	-	4,062	370,280
HARVARD	1,277,118	-	69,324	1,844,932
HARWICH	1,541,810	-	-	410,123
HATFIELD	646,509	-	-	298,728
HAVERHILL	32,999,267	183,380	3,149,881	7,527,791
HAWLEY	16,524	-	16,264	26,663
HEATH	-	-	-	58,863
HINGHAM	3,709,572	-	420,485	1,352,477
HINSDALE	94,757	-	-	198,474
HOLBROOK	4,363,784	-	5,987	1,513,049
HOLDEN	138,079	-	-	1,598,544
HOLLAND	711,755	-	-	167,265
HOLLISTON	6,827,358	-	518,826	1,206,004
HOLYOKE	58,922,200	462,080	763,384	9,071,572
HOPEDALE	4,703,997	-	-	620,193
HOPKINTON	2,841,044	-	151,365	616,955
HUBBARDSTON	-	-	-	313,003
HUDSON	6,280,365	-	-	2,022,436
HULL	4,389,761	28,771	1,747,307	1,072,907
HUNTINGTON	-	-	-	292,821
IPSWICH	2,138,378	-	975,780	994,994
KINGSTON	2,614,178	-	-	882,048
LAKEVILLE	1,910,725	-	-	732,981
LANCASTER	-	-	-	859,999
LANESBOROUGH	558,506	-	-	347,732
LAWRENCE	99,686,384	939,774	239,970	18,350,704
LEE	1,628,053	15,614	-	646,594
LEICESTER	7,848,184	-	-	1,664,620
LENOX	1,269,267	-	90,787	537,858
LEOMINSTER	28,954,305	147,130	14,714	5,226,377
LEVERETT	236,338	-	-	169,388
LEXINGTON	5,510,156	-	-	1,554,675
LEYDEN	-	-	-	67,181
LINCOLN	535,905	-	367,459	463,639
LITTLETON	1,341,977	-	207,535	550,625
LONGMEADOW	3,799,738	-	-	1,312,162
LOWELL	95,146,155	914,170	7,978,998	19,021,745
LUDLOW	9,114,895	-	-	2,656,126
LUNENBURG	3,174,045	-	-	1,044,348

Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
LYNN	82,313,967	570,503	11,926,220	14,106,309
LYNNFIELD	1,935,550	-	455,892	747,474
MALDEN	21,843,447	189,331	7,030,168	8,269,720
MANCHESTER	808,298	-	-	239,028
MANSFIELD	7,731,051	-	912,368	1,411,972
MARBLEHEAD	2,751,704	-	49,583	1,140,517
MARION	371,605	-	-	215,733
MARLBOROUGH	5,672,831	-	3,433,241	3,088,862
MARSHFIELD	11,462,734	-	255,142	2,028,599
MASHPEE	4,108,938	-	-	252,127
MATTAPOISETT	510,843	-	-	409,407
MAYNARD	2,332,400	-	738,519	1,106,379
MEDFIELD	2,726,074	-	937,000	845,195
MEDFORD	12,225,116	87,841	8,094,393	7,143,020
MEDWAY	5,354,780	-	235,317	984,604
MELROSE	5,817,368	-	3,402,865	3,108,976
MENDON	-	-	-	364,802
MERRIMAC	-	-	-	720,852
METHUEN	22,003,182	132,772	205,147	5,069,393
MIDDLEBOROUGH	13,247,837	-	-	2,365,346
MIDDLEFIELD	-	-	-	40,637
MIDDLETON	974,993	-	159,272	336,468
MILFORD	10,973,178	-	-	3,025,277
MILLBURY	4,991,567	-	-	1,711,113
MILLIS	2,043,974	-	403,862	779,673
MILLVILLE	16,880	-	-	328,595
MILTON	3,574,314	-	1,566,851	2,320,986
MONROE	33,175	-	17,526	7,193
MONSON	5,161,986	-	-	1,191,772
MONTAGUE	-	-	-	1,158,065
MONTEREY	-	-	15,777	35,149
MONTGOMERY	-	-	-	79,854
MOUNT WASHINGTON	10,766	-	41,886	3,084
NAHANT	431,179	-	157,791	294,794
NANTUCKET	904,785	-	-	73,545
NATICK	4,434,264	-	2,444,348	2,300,908
NEEDHAM	4,152,973	-	259,216	1,578,292
NEW ASHFORD	32,174	-	9,203	8,667
NEW BEDFORD	88,822,708	849,422	901,313	22,315,352
NEW BRAINTREE	-	-	-	104,889
NEW MARLBOROUGH	-	-	-	53,247
NEW SALEM	-	-	-	86,926
NEWBURY	-	-	-	435,976
NEWBURYPORT	3,307,740	-	1,736,621	1,521,265
NEWTON	10,822,741	-	1,732,789	4,961,844
NORFOLK	2,895,746	-	-	917,647
NORTH ADAMS	13,057,445	99,033	233,872	4,178,541
NORTH ANDOVER	4,154,862	-	151,695	1,784,619
NORTH ATTLEBOROUGH	13,863,579	-	-	2,801,866
NORTH BROOKFIELD	3,684,935	-	-	774,554
NORTH READING	2,814,776	-	1,189,787	1,026,960
NORTHAMPTON	7,263,454	62,510	727,239	3,842,841
NORTHBOROUGH	2,904,032	-	76,900	1,014,980
NORTHBRIDGE	10,789,324	70,972	3,865	2,196,229
NORTHFIELD	-	-	-	285,669
NORTON	9,139,961	-	-	1,994,132
NORWELL	2,056,929	-	680,878	651,358
NORWOOD	3,882,827	-	3,354,660	2,522,109

Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
OAK BLUFFS	573,652	-	-	68,980
OAKHAM	55,295	-	-	158,334
ORANGE	5,310,973	48,861	2,661	1,529,157
ORLEANS	255,215	-	-	175,593
OTIS	-	-	-	28,152
OXFORD	7,686,176	-	-	2,038,524
PALMER	9,278,379	47,169	-	1,770,671
PAXTON	16,933	-	-	434,693
PEABODY	14,291,462	-	3,951,625	4,747,907
PELHAM	122,775	-	-	140,974
PEMBROKE	4,603,048	-	-	1,612,090
PEPPERELL	-	-	-	1,212,687
PERU	39,473	-	-	98,418
PETERSHAM	171,424	-	-	102,425
PHILLIPSTON	-	-	5,519	151,948
PITTSFIELD	28,289,306	228,529	1,107,722	7,405,293
PLAINFIELD	52,627	-	-	40,173
PLAINVILLE	1,896,301	-	-	717,887
PLYMOUTH	19,343,518	-	-	3,567,920
PLYMPTON	527,268	-	-	227,859
PRINCETON	-	-	-	284,258
PROVINCETOWN	284,880	-	27,912	139,947
QUINCY	14,221,375	205,982	14,555,556	9,998,435
RANDOLPH	10,502,960	90,844	2,297,597	3,636,384
RAYNHAM	375	-	-	1,070,105
READING	5,717,802	-	1,931,472	2,048,654
REHOBOTH	-	-	-	875,724
REVERE	21,843,198	213,679	6,712,698	5,865,575
RICHMOND	367,603	-	-	110,352
ROCHESTER	1,046,414	-	-	395,386
ROCKLAND	9,862,441	-	496,221	2,319,897
ROCKPORT	1,345,072	-	-	433,997
ROWE	47,440	-	-	4,244
ROWLEY	-	-	143,746	430,907
ROYALSTON	-	-	-	135,493
RUSSELL	-	-	-	210,785
RUTLAND	11,119	-	-	729,482
SALEM	11,563,901	163,289	4,151,021	3,934,399
SALISBURY	-	-	-	593,052
SANDISFIELD	7,986	-	-	28,582
SANDWICH	4,167,705	-	111,247	868,142
SAUGUS	3,954,381	-	2,245,040	2,207,020
SAVOY	359,327	-	17,367	94,956
SCITUATE	3,411,232	-	1,101,119	1,373,392
SEEKONK	3,320,942	-	-	1,164,918
SHARON	5,092,894	-	78,642	1,323,736
SHEFFIELD	-	-	15,023	210,330
SHELBURNE	-	-	-	248,316
SHERBORN	374,696	-	26,364	200,423
SHIRLEY	3,281,126	-	233,500	1,085,715
SHREWSBURY	6,394,912	-	376,077	2,324,233
SHUTESBURY	525,325	-	-	138,002
SOMERSET	2,747,578	-	-	1,354,986
SOMERVILLE	23,940,347	355,350	20,410,649	11,924,658
SOUTH HADLEY	5,903,648	-	25,437	2,409,835
SOUTHAMPTON	1,917,672	-	-	539,437
SOUTHBOROUGH	1,790,202	-	-	406,672
SOUTHBRIDGE	12,664,504	88,114	-	3,294,615

Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
SOUTHWICK	-	-	-	1,039,346
SPENCER	191,049	-	-	1,969,537
SPRINGFIELD	188,368,793	1,682,738	2,302,181	31,662,215
STERLING	-	-	-	655,422
STOCKBRIDGE	-	-	-	103,848
STONEHAM	2,843,484	-	2,553,177	2,121,880
STOUGHTON	8,788,658	-	129,781	3,207,826
STOW	-	-	8,776	404,907
STURBRIDGE	1,129,411	-	-	707,899
SUDBURY	2,545,546	-	807,321	867,066
SUNDERLAND	774,093	-	-	443,197
SUTTON	3,713,326	-	-	731,296
SWAMPSCOTT	2,199,779	-	443,359	987,687
SWANSEA	4,697,989	-	-	1,833,514
TAUNTON	33,195,280	209,912	-	8,417,658
TEMPLETON	-	-	-	1,155,097
TEWKSBURY	10,877,449	-	-	2,818,404
TISBURY	324,435	-	-	100,862
TOLLAND	-	-	12,413	5,365
TOPSFIELD	588,769	-	318,725	409,877
TOWNSEND	-	-	-	1,105,040
TRURO	237,301	-	-	28,836
TYNGSBOROUGH	5,467,396	-	-	866,320
TYRINGHAM	31,350	-	-	12,774
UPTON	-	-	-	476,695
UXBRIDGE	7,314,944	-	-	1,366,547
WAKEFIELD	4,464,193	-	1,809,635	2,305,529
WALES	644,398	-	-	211,352
WALPOLE	4,876,111	-	1,112,115	1,830,814
WALTHAM	6,833,876	132,772	6,869,270	5,317,571
WARE	6,682,004	46,132	19,199	1,574,097
WAREHAM	11,252,161	101,489	-	2,023,306
WARREN	-	-	-	673,307
WARWICK	-	-	36,354	75,820
WASHINGTON	14,792	-	29,889	64,681
WATERTOWN	2,832,187	42,911	5,571,114	2,987,935
WAYLAND	2,558,974	-	352,813	684,182
WEBSTER	7,022,996	58,797	78,026	2,267,713
WELLESLEY	3,417,769	-	121,858	1,306,757
WELLFLEET	137,415	-	-	60,250
WENDELL	-	-	32,131	118,906
WENHAM	-	-	175,913	315,359
WEST BOYLSTON	2,583,161	-	85,259	650,881
WEST BRIDGEWATER	1,860,025	-	59,411	615,979
WEST BROOKFIELD	-	-	-	427,276
WEST NEWBURY	-	-	-	278,022
WEST SPRINGFIELD	12,026,335	96,030	-	3,140,515
WEST STOCKBRIDGE	-	-	-	101,984
WEST TISBURY	-	-	229,569	33,253
WESTBOROUGH	2,929,324	-	182,536	958,275
WESTFIELD	25,649,147	153,353	-	5,614,170
WESTFORD	7,409,012	-	1,126,887	1,318,395
WESTHAMPTON	302,625	-	-	130,141
WESTMINSTER	-	-	-	588,282
WESTON	1,545,608	-	-	388,490
WESTPORT	3,250,142	-	-	1,251,390
WESTWOOD	2,345,177	-	45,632	711,159
WEYMOUTH	18,658,316	-	3,050,391	7,133,738

Municipality	7061-0008 Chapter 70	7061-0022 Reduce Class Size	0611-5500 Additional Assistance	Lottery Distribution
WHATELY	108,283	-	-	119,028
WHITMAN	-	-	-	2,118,193
WILBRAHAM	-	-	-	1,188,359
WILLIAMSBURG	420,784	-	-	297,460
WILLIAMSTOWN	995,285	-	-	928,614
WILMINGTON	3,595,579	-	1,578,564	1,366,417
WINCHENDON	9,079,325	40,672	31,919	1,496,253
WINCHESTER	3,413,610	-	433,387	1,254,678
WINDSOR	39,209	-	35,260	59,577
WINTHROP	4,814,358	-	2,878,558	2,505,350
WOBURN	4,925,045	-	4,513,710	3,115,365
WORCESTER	137,131,721	1,327,880	14,860,192	29,486,981
WORTHINGTON	-	-	-	104,039
WRENTHAM	3,106,685	-	-	940,188
YARMOUTH	-	-	-	1,166,723
Total Aid to Regional Schools	498,078,046	338,480		
Total	2,990,396,788	18,000,000	476,315,282	730,000,000



Regional School	7061-0008 Chapter 70	7061-0022
		Reduce Class Size
ACTON BOXBOROUGH	3,124,017	-
ADAMS CHESHIRE	9,496,860	52,137
AMHERST PELHAM	8,651,432	-
ASHBURNHAM WESTMINSTER	8,188,315	-
ASSABET VALLEY	3,012,388	-
ATHOL ROYALSTON	15,117,002	56,832
BERKSHIRE HILLS	3,192,490	19,872
BERLIN BOYLSTON	861,159	-
BLACKSTONE MILLVILLE	10,012,184	-
BLACKSTONE VALLEY	5,576,171	-
BLUE HILLS	3,524,021	-
BRIDGEWATER RAYNHAM	17,589,556	-
BRISTOL COUNTY	1,421,278	-
BRISTOL PLYMOUTH	5,479,572	-
CAPE COD	2,164,217	-
CENTRAL BERKSHIRE	8,158,374	-
CHESTERFIELD GOSHEN	637,835	-
CONCORD CARLISLE	1,633,183	-
DENNIS YARMOUTH	6,985,698	100,234
DIGHTON REHOBOTH	10,272,137	-
DOVER SHERBORN	1,310,320	-
DUDLEY CHARLTON	16,640,801	-
ESSEX COUNTY	3,628,685	-
FARMINGTON RIVER	408,988	-
FRANKLIN COUNTY	2,185,138	-
FREETOWN LAKEVILLE	5,298,861	-
FRONTIER	2,445,805	-
GATEWAY	6,862,298	-
GILL MONTAGUE	6,335,058	39,690
GREATER FALL RIVER	10,583,225	-
GREATER LAWRENCE	12,332,578	-
GREATER LOWELL	14,658,950	-
GREATER NEW BEDFORD	18,113,788	-
GROTON DUNSTABLE	7,336,714	-
HAMILTON WENHAM	3,248,923	-
HAMPDEN WILBRAHAM	8,362,852	-
HAMPSHIRE	2,180,514	-
HAWLEMONT	701,591	-
KING PHILIP	4,593,324	-
LINCOLN SUDBURY	1,979,352	-

MARTHAS VINEYARD	2,175,172	-
MASCONOMET	4,094,718	-
MENDON UPTON	5,415,065	-
MINUTEMAN	2,395,612	-
MOHAWK TRAIL	7,152,548	30,518
MONTACHUSETT	6,852,257	-
MOUNT GREYLOCK	1,999,805	-
NARRAGANSETT	7,131,054	-
NASHOBA	6,188,754	-
NASHOBA VALLEY	2,301,566	-
NAUSET	3,612,426	-
NEW SALEM WENDELL	734,397	-
NORFOLK COUNTY	731,191	-
NORTH MIDDLESEX	19,841,723	-
NORTH SHORE	1,734,719	-
NORTHAMPTON SMITH	905,377	-
NORTHBORO SOUTHBORO	1,651,669	-
NORTHEAST METROPOLITAN	6,426,270	-
NORTHERN BERKSHIRE	2,812,566	-
OLD COLONY	2,137,854	-
OLD ROCHESTER	1,707,801	-
PATHFINDER	2,234,562	-
PENTUCKET	11,196,571	-
PIONEER	3,918,690	-
QUABBIN	13,344,587	-
QUABOAG	7,437,036	-
RALPH C MAHAR	3,529,753	-
SHAWSHEEN VALLEY	3,605,586	-
SILVER LAKE	10,345,888	-
SOUTH MIDDLESEX	2,624,022	-
SOUTH SHORE	2,057,194	-
SOUTHEASTERN	8,424,633	-
SOUTHERN BERKSHIRE	2,042,925	-
SOUTHERN WORCESTER	4,816,520	-
SOUTHWICK TOLLAND	6,809,169	-
SPENCER EAST BROOKFIELD	10,791,859	39,198
TANTASQUA	6,019,652	-
TRI COUNTY	3,412,333	-
TRITON	8,611,895	-
UPISLAND	928,454	-
UPPER CAPE COD	2,282,392	-
WACHUSETT	16,779,525	-
WHITMAN HANSON	19,344,962	-
WHITTIER	5,211,640	-

Regional Total	498,078,046	338,480
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SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, the number of full-time equivalent positions compensated from the AA subsidiary, so-called, of each of the items listed below shall not exceed the number of authorized positions specified below for each such item; provided, however, that for the purposes of this section, board and commission members and seasonal employees shall not be classified as full-time equivalent positions. Nothing in this section shall be construed so as to make any further appropriation of funds.

Line Item	Spending Authorized	FTE's
0320-0001	\$893,170	7
0320-0003	\$3,787,005	64
0320-0010	\$768,670	14.4
0320-0016	\$55,000	1
0321-0001	\$348,863	6
0321-0100	\$289,139	9.6
0321-1500	\$3,760,504	92
0321-1502	\$7,731,010	141.5
0321-1503	\$707,322	15
0321-1504	\$429,667	8.91
0321-2000	\$368,449	7.4
0322-0100	\$6,952,318	111.5
0330-0101	\$8,830,821	78
0330-0102	\$18,783,392	166
0330-0103	\$5,248,835	47
0330-0104	\$455,830	4
0330-0105	\$1,238,712	11
0330-0106	\$991,521	9
0330-0107	\$4,346,637	41
0330-0300	\$6,944,638	131.67
0330-0317	\$258,226	4
0330-2000	\$2,093,701	53
0330-2205	\$12,281,851	405.47

0330-2207	\$1,638,676	62
0330-2410	\$326,899	7
0330-3200	\$44,259,480	1052.4
0330-3700	\$451,239	11
0331-0100	\$7,920,870	175
0331-2100	\$491,961	11
0331-2200	\$281,118	6
0331-2300	\$1,053,192	20.5
0331-2400	\$177,795	3
0331-2500	\$1,686,346	40
0331-2600	\$329,671	8
0331-2700	\$1,533,728	35.8
0331-2800	\$322,201	7
0331-2900	\$3,977,697	91
0331-3000	\$126,117	2
0331-3100	\$1,304,826	27
0331-3200	\$1,268,214	30
0331-3300	\$3,595,074	104
0331-3400	\$2,518,923	50
0331-3404	\$164,556	5
0331-3500	\$1,378,653	28
0332-0100	\$1,381,101	26
0332-1100	\$1,978,478	43
0332-1200	\$1,151,887	27
0332-1203	\$1,146,391	30
0332-1300	\$676,558	14
0332-1400	\$1,237,811	31
0332-1500	\$519,106	11
0332-1600	\$1,978,831	51
0332-1700	\$2,566,976	64
0332-1800	\$2,956,878	73
0332-1900	\$1,354,073	32
0332-2000	\$365,600	8
0332-2100	\$2,078,154	46
0332-2300	\$397,982	9
0332-2400	\$1,902,238	42
0332-2500	\$873,064	21
0332-2600	\$3,348,371	85

0332-2700	\$2,991,568	73.5
0332-2800	\$1,492,987	32
0332-2900	\$1,172,304	26
0332-3000	\$1,258,713	30
0332-3100	\$649,236	16
0332-3200	\$1,139,137	32.4
0332-3300	\$1,287,156	34
0332-3400	\$783,392	17
0332-3500	\$4,128,385	107.7
0332-3600	\$815,098	20
0332-3700	\$1,693,980	41
0332-3800	\$610,138	13
0332-3900	\$3,409,265	92
0332-4000	\$2,608,139	63
0332-4100	\$986,720	23
0332-4200	\$1,147,463	26
0332-4300	\$819,713	18
0332-4400	\$2,123,388	49
0332-4500	\$1,460,061	34.8
0332-4600	\$3,321,256	76.7
0332-4700	\$2,189,154	53
0332-4800	\$1,175,772	27
0332-4900	\$2,125,803	48.03
0332-5000	\$1,270,506	29
0332-5100	\$282,631	7
0332-5200	\$2,055,036	48
0332-5300	\$4,700,186	114
0332-5400	\$1,483,516	36
0332-5500	\$1,588,988	42
0332-5600	\$834,140	17
0332-5700	\$3,147,359	78
0332-5800	\$1,862,935	46
0332-5900	\$1,990,797	44
0332-6000	\$1,900,264	42.5
0332-6100	\$1,282,219	29
0332-6200	\$786,304	15
0332-6300	\$2,321,277	53
0332-6400	\$4,495,801	105.5

0332-6500	\$1,627,943	38
0332-6600	\$3,553,987	81
0332-6700	\$1,152,574	25
0332-6800	\$2,235,582	57
0332-6900	\$4,160,360	105
0332-7000	\$1,295,047	30
0332-7100	\$1,013,211	26
0332-7200	\$259,682	6
0332-7300	\$1,069,602	26
0332-7400	\$1,036,587	25
0332-7500	\$750,578	17
0332-7600	\$1,230,436	32
0332-7700	\$855,938	21
0332-7800	\$936,514	22
0332-7900	\$920,116	20
0333-0002	\$1,563,326	35
0333-0100	\$1,537,583	34
0333-0200	\$816,339	20
0333-0300	\$2,473,404	57
0333-0400	\$262,846	6
0333-0500	\$2,419,699	60.5
0333-0600	\$789,962	19
0333-0700	\$2,773,729	72
0333-0800	\$937,478	23
0333-0900	\$4,643,761	128
0333-0911	\$258,752	9
0333-1000	\$192,142	3
0333-1100	\$2,697,820	67
0333-1111	\$162,339	3
0333-1200	\$2,228,650	58
0333-1300	\$3,638,265	91
0333-1313	\$179,588	7
0333-1400	\$2,655,062	63
0334-0001	\$2,421,743	56
0335-0001	\$8,375,313	166
0336-0002	\$291,432	2
0336-0100	\$1,127,037	27
0336-0200	\$575,787	14

0336-0300	\$662,082	16
0336-0400	\$1,041,611	27
0336-0500	\$685,770	17
0337-0002	\$1,080,864	25
0337-0003	\$14,489,553	353.88
0337-0100	\$4,108,350	89
0337-0200	\$2,587,960	61
0337-0300	\$1,652,064	64
0337-0400	\$1,430,746	31
0337-0500	\$2,042,630	45
0339-1001	\$12,118,321	328
0339-1002	\$9,613,113	212
0339-1003	\$3,728,151	87
0339-2100	\$1,295,892	32
0340-0100	\$11,408,592	288
0340-0200	\$8,690,257	220
0340-0300	\$6,202,721	140
0340-0400	\$6,490,062	137
0340-0500	\$5,550,940	137
0340-0600	\$2,671,314	77
0340-0700	\$5,423,391	122
0340-0800	\$5,153,806	115
0340-0900	\$5,027,961	119
0340-1000	\$2,466,311	52
0340-1100	\$2,007,187	42.8
0340-2100	\$345,576	6
0511-0000	\$6,285,835	167.25
0511-0200	\$478,717	14.6
0511-0230	\$144,022	5
0511-0250	\$380,401	10.6
0511-0260	\$205,715	6
0517-0000	\$370,729	10
0521-0000	\$583,023	14.6
0521-0001	\$535,731	17.85
0526-0100	\$942,415	23.4
0528-0100	\$34,350	1
0540-0900	\$646,585	18.68
0540-1000	\$1,719,388	48

0540-1100	\$424,950	10.65
0540-1200	\$1,370,499	45.12
0540-1300	\$402,134	10
0540-1400	\$1,162,630	32.6
0540-1500	\$2,655,962	82
0540-1600	\$229,969	7
0540-1700	\$348,944	9
0540-1800	\$158,769	4.5
0540-1900	\$1,733,816	41.5
0540-2000	\$379,595	11
0540-2100	\$1,693,932	56
0610-0000	\$5,647,973	122.1
0630-0000	\$66,250	1
0640-0000	\$20,592,232	408.53
0640-0300	\$1,375,289	29.8
0710-0000	\$13,778,906	315
0710-0100	\$698,080	16.5
0810-0000	\$16,297,052	361
0810-0003	\$150,000	2.6
0810-0014	\$639,572	12.8
0810-0021	\$1,236,347	26
0810-0045	\$2,385,277	50.5
0810-0201	\$753,456	15
0810-0338	\$227,589	4
0810-0399	\$250,000	7
0840-0100	\$286,185	5.71
0840-0101	\$63,980	2
0900-0100	\$1,320,504	25
0910-0200	\$2,099,788	50.34
0920-0300	\$700,230	15.65
1000-0001	\$6,270,962	107.52
1100-1100	\$1,055,140	20
1100-1103	\$443,130	10
1100-1140	\$1,833,825	39.33
1101-2100	\$2,019,429	39.6
1102-3210	\$4,856,203	137
1102-3301	\$2,344,925	66
1107-2400	\$580,044	13



1107-2501	\$1,402,545	30
1108-1011	\$538,838	10
1108-5100	\$2,170,229	49.87
1110-1000	\$619,564	11.6
1120-4005	\$811,633	21
1150-5100	\$1,881,050	34
1201-0100	\$83,025,386	1568.15
1201-0160	\$35,824,383	732.26
1201-0300	\$4,942,071	85.51
1232-0200	\$616,810	11
1310-1000	\$1,417,372	25.8
1410-0010	\$1,657,635	36
1410-0630	\$289,658	9
1750-0100	\$4,453,495	102
1750-0111	\$299,837	6
1750-0115	\$186,310	5
1750-0120	\$930,000	19
1750-0200	\$458,376	8
1775-0100	\$2,953,577	56.1
1790-0100	\$7,685,599	138
1790-0107	\$1,801,906	27.8
1790-0600	\$590,434	10.8
2000-0100	\$2,374,151	42
2000-9900	\$357,233	7
2010-0100	\$185,000	4
2020-0100	\$1,395,045	25.8
2060-0100	\$135,944	2
2100-0005	\$818,669	16
2100-1000	\$1,540,056	32.29
2100-2030	\$17,912,238	494.61
2200-0100	\$24,360,445	407.24
2210-0100	\$916,412	15.87
2220-2220	\$500,713	10
2220-2221	\$2,066,113	40.3
2250-2000	\$1,544,328	29
2250-2001	\$2,335,509	40.91
2260-8870	\$14,328,457	255.66
2260-8881	\$261,001	5

2300-0100	\$635,154	10
2300-0101	\$299,001	5.8
2300-0104	\$29,721	1
2310-0200	\$5,234,248	124.76
2310-0500	\$210,250	4
2315-0100	\$222,297	4
2320-0100	\$254,411	5.6
2330-0100	\$3,285,577	77
2330-0120	\$415,710	9
2350-0100	\$8,044,684	152.94
2350-0101	\$171,206	4
2410-1000	\$745,823	20
2420-1400	\$7,704,372	168.3
2440-0010	\$18,653,290	334.36
2460-1000	\$2,572,527	54.2
2511-0100	\$3,214,031	67.69
2511-4010	\$46,284	1
2520-0100	\$58,153	1
2520-0300	\$853,134	23
2520-0900	\$96,054	2
2520-1000	\$539,791	14
2520-1100	\$47,448	1
2520-1200	\$425,324	11.5
2520-1300	\$317,866	10.5
2520-1400	\$483,828	14
2520-1500	\$287,956	6
4000-0100	\$2,065,234	33.8
4000-0300	\$28,268,201	824.29
4100-0060	\$6,367,202	125.29
4110-0001	\$641,385	10.5
4110-1000	\$1,872,864	47
4110-1020	\$394,774	9.85
4110-2000	\$358,126	8
4110-4000	\$731,361	42.34
4120-1000	\$223,484	3
4120-3000	\$351,408	8
4120-4000	\$594,089	13
4120-5000	\$675,866	16

4120-6000	\$654,832	14
4125-0100	\$2,846,157	67.8
4130-0001	\$2,199,248	47.83
4130-0002	\$455,756	10.8
4130-0005	\$5,931,193	138.37
4180-0100	\$15,228,779	417
4190-0100	\$12,510,818	370.58
4200-0010	\$3,348,613	65.89
4200-0100	\$8,675,918	217.2
4200-0200	\$5,008,782	228
4200-0300	\$14,034,583	416
4400-1000	\$40,883,327	865.07
4400-1025	\$551,281	15
4400-1100	\$58,693,477	1497.79
4510-0100	\$8,115,072	156.71
4510-0110	\$82,879	2
4510-0150	\$37,979	1
4510-0600	\$2,958,438	65.67
4510-0710	\$6,992,013	122.39
4510-0750	\$140,097	3
4510-0790	\$145,000	4
4510-0810	\$92,073	2
4512-0103	\$1,404,907	28
4512-0200	\$350,183	9
4512-0500	\$108,526	2
4513-1000	\$1,623,078	34.53
4513-1002	\$169,645	4
4513-1005	\$712,615	22
4513-1020	\$173,521	3.8
4513-1111	\$43,307	1
4513-1112	\$40,689	1
4516-1000	\$5,343,554	119.6
4516-1001	\$1,146,109	29.5
4518-0100	\$1,197,004	39.18
4530-9000	\$43,351	1
4570-1500	\$318,742	8.5
4580-1000	\$1,119,287	12.61
4590-0300	\$469,708	9

4590-0450	\$45,621	1
4590-0451	\$45,621	1
4590-0908	\$411,565	7
4590-0909	\$28,075,460	757
4590-0910	\$9,631,907	244.18
4590-0911	\$26,352,708	596.24
4800-0015	\$36,204,460	754.26
4800-0025	\$2,206,920	49
4800-0050	\$602,674	18
4800-1100	\$97,753,626	2452.45
4800-1500	\$592,499	14
4800-1997	\$1,037,478	25.5
5011-0100	\$30,679,665	680
5042-5000	\$4,832,191	110.13
5046-0000	\$48,043,302	1205.25
5055-0000	\$2,626,081	42.47
5095-0015	\$110,501,036	2846.48
5911-1000	\$4,551,952	83.3
5911-2000	\$218,993	4.6
5920-1000	\$42,592,857	947.44
5920-2010	\$84,525,825	2604
5930-1000	\$125,364,310	3674.2
6000-0100	\$191,473	3
6006-0003	\$351,766	7
6010-0002	\$40,475,698	856.85
6010-1000	\$14,231,133	406
7000-9101	\$933,767	20
7002-0100	\$443,503	9.8
7002-0101	\$368,419	7
7002-0200	\$1,063,624	22
7002-0400	\$915,141	17.65
7002-0500	\$13,211,702	301.44
7002-0600	\$1,054,277	17.3
7002-0700	\$375,191	7
7002-0800	\$633,545	10.6
7003-0701	\$624,542	8.3
7003-0810	\$481,882	6
7004-0001	\$72,441	2

7004-0099	\$5,338,576	118.1
7004-2025	\$42,147	1
7006-0000	\$1,488,594	28
7006-0010	\$8,254,644	176.53
7006-0020	\$6,432,953	140
7006-0040	\$5,444,491	130.93
7006-0050	\$471,733	7.8
7006-0060	\$682,855	18
7006-0070	\$4,440,339	95.6
7006-0080	\$657,932	14
7006-0100	\$1,225,191	24.8
7006-0110	\$1,917,002	43.5
7006-0130	\$2,098,055	43.1
7006-0135	\$180,326	3
7006-1000	\$602,188	11
7006-1001	\$192,753	4
7007-0100	\$402,903	7.52
7007-0300	\$2,092,699	40.96
7007-0900	\$1,376,182	30.6
7007-0970	\$275,019	6
7007-1500	\$537,770	11
7010-0005	\$7,501,099	148.98
7028-0031	\$2,642,952	52.77
7030-1000	\$332,274	7
7032-0500	\$47,171	1
7035-0002	\$137,276	3
7061-0013	\$400,000	6
7061-0019	\$1,150,870	40.6
7061-9400	\$669,995	15
7061-9404	\$179,552	5
7061-9611	\$100,000	3
7066-0000	\$1,866,057	25
7070-0065	\$649,824	14
7100-0300	\$690,932	15.85
7504-0101	\$45,624	2
7506-0101	\$62,177	2
7515-0120	\$611,571	16.43
8000-0000	\$1,543,960	28

8000-0020	\$161,774	3
8000-0030	\$58,313	1
8000-0105	\$2,417,212	50
8000-0110	\$2,367,236	56.61
8000-0125	\$1,959,437	42
8000-0160	\$493,131	10.4
8000-0500	\$192,417	4
8100-0000	\$150,272,109	2506.33
8100-0017	\$87,500	2
8200-0200	\$1,480,022	34.27
8311-1000	\$669,760	17.76
8311-1004	\$144,682	2
8315-1000	\$583,843	16
8315-1002	\$2,997,916	64
8324-0000	\$1,120,027	24
8324-1000	\$697,213	16
8324-1007	\$179,686	4
8324-1101	\$150,268	3
8324-1500	\$584,591	14
8400-0001	\$26,636,565	807.69
8400-0100	\$2,002,378	62.5
8600-0001	\$258,345	14.8
8700-0001	\$3,137,136	92
8800-0001	\$604,175	30
8800-0100	\$381,221	7
8800-0200	\$258,591	5
8850-0001	\$165,540	1
8850-0015	\$57,013	1
8900-0001	\$259,341,418	5277.5
8900-0002	\$3,609,256	64.03
8900-0004	\$597,613	11
8900-0007	\$55,215	1
8900-0009	\$4,035,417	78.8
8900-0010	\$698,078	61
8910-0102	\$35,383,309	783
8910-0105	\$23,089,902	572.8
8910-0107	\$29,543,983	615.5
8910-0108	\$3,813,174	95.8

8910-0110	\$7,310,106	163.3
8910-0145	\$6,166,293	160
8910-0619	\$24,678,194	532
8950-0001	\$11,189,196	242.7
8950-0002	\$151,748	6
9110-0100	\$1,914,773	36.3
9110-0102	\$299,611	7

SECTION 5. Notwithstanding the provisions of clause Forty-first of section 7 of chapter 4 of the General Laws or any other general or special law to the contrary, the commissioner of revenue or any other official responsible for a local reimbursement or assistance program reported by said commissioner pursuant to the provisions of section 25A of chapter 58 of the General Laws shall use the 1998 city and town population estimates of the United States Bureau of the Census in calculating distributions or assessments under said local reimbursement or assistance programs. Such distribution programs shall include, but not be limited to, the chapter 70 school aid program, so called, and aid to regional public libraries. Such assessments shall include, but not be limited to, air pollution control districts, the metropolitan area planning council, the Old Colony Planning Council, the Massachusetts Bay Transportation Authority and any other entity for which said commissioner is required to give notice pursuant to said section 25A.

SECTION 6. The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by said secretary.

SECTION 7. The commissioner of capital asset management and maintenance shall develop a project accounting system for all pool accounts including, but not limited to, asbestos, handicapped access, demolition, fire protection improvement, environmental hazards, air pollution, energy, preventive maintenance, wastewater treatment and toxic waste cleanup. The project accounting system shall be utilized to assess charges for all project-related

costs including, but not limited to, administrative overhead. The commissioner may, in accordance with schedules approved by the secretary of administration and finance, employ or reassign employees of the division to such projects as may be required, but the salaries and administrative expenses shall be charged to the accounts funding such project. Such charges shall not exceed 2 per cent of the following appropriation accounts: 1102-7881, 1102-7882, 1102-7885, 1102-7886, 1102-7887, 1102-7890, 1102-7893, 1102-7894, 1102-7896, 1102-7897, 1102-8819, 1102-8847, 1102-8869, 1102-8880, 1102-8890, 1102-8891, 1102-8897, 1102-8899, and 1102-9802.

SECTION 8. Notwithstanding the provisions of section 31 of chapter 81 of the General Laws or any other general or special law to the contrary, the portion of the Highway Fund allocated for reimbursements to cities and towns for costs actually incurred in constructing, maintaining and policing city or town streets or roads, as appropriated in item 6005-0017 of section 2, shall be distributed in fiscal year 2001 in the same proportion as the fiscal year 2000 distribution of said Highway Fund reimbursements.

SECTION 9. All sums appropriated under this act, including supplemental and deficiency budgets, shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women and handicapped persons. All officials and employees of an agency, board, department, commission or division receiving monies under this act shall take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth.

Each agency, board, department, commission or division, in spending appropriated sums and discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, in-service or apprenticeship training programs and all terms and conditions of employment. The secretary of administration and finance shall conduct an ongoing review of affirmative action steps taken by the various



agencies, boards, departments, commissions or divisions to determine whether such agencies, boards, departments, commissions or divisions are complying with this section. Whenever noncompliance is determined by the secretary, said secretary shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board, department, commission or division, to the governor and to the Massachusetts commission against discrimination. Said secretary shall report on the status of each agency, board, department, commission or division receiving monies under this act, including supplemental and deficiency budgets, as to compliance or noncompliance with affirmative action policies to the joint committee on public service and the joint committee on commerce and labor on or before December 1, 2000.

SECTION 10. Chapter 3 of the General Laws is hereby amended by striking out section 9B, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:-

Section 9B. Each member of the general court shall receive \$7,200 annually for expenses to be paid as follows: each member shall be entitled to receive \$600 on the first day of each session and the first day of each month thereafter until said sum of \$7,200 shall have been paid, and on the last day of the session there shall be paid to each member of the general court the balance, if any, of said sum of \$7,200.

A member of the general court who lives in the city or town of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Dedham, Everett, Lynn, Malden, Medford, Melrose, Milton, Nahant, Newton, Quincy, Revere, Saugus, Somerville, Stoneham, Wakefield, Waltham, Watertown, Winchester, Winthrop or Woburn shall receive a per diem allowance for mileage, meals and lodging of \$10 per day; a member of the general court who lives in the city or town of Abington, Andover, Avon, Bedford, Beverly, Billerica, Boxford, Braintree, Brockton, Burlington, Canton, Carlisle, Cohasset, Concord, Danvers, Dover, Easton, Framingham, Hamilton, Hanover, Hingham, Holbrook, Hull, Lexington, Lincoln, Lynnfield, Manchester by-the Sea, Marblehead, Medfield, Middleton, Millis, Natick, Needham, North Andover, North Reading, Norwell,

Norwood, Peabody, Randolph, Reading, Rockland, Salem, Scituate, Sharon, Sherborn, Stoughton, Sudbury, Swampscott, Tewksbury, Topsfield, Walpole, Wayland, Wellesley, Wenham, Weston, Westwood, Weymouth, Whitman or Wilmington shall receive a per diem allowance for mileage, meals and lodging of \$18 per day; a member of the general court who lives in the city or town of Acton, Ashland, Ayer, Bellingham, Blackstone, Bolton, Boxborough, Bridgewater, Carver, Chelmsford, Dracut, Dunstable, Duxbury, East Bridgewater, Essex, Foxborough, Franklin, Georgetown, Gloucester, Groton, Groveland, Halifax, Hanson, Harvard, Haverhill, Holliston, Hopedale, Hopkinton, Hudson, Ipswich, Kingston, Lakeville, Lawrence, Littleton, Lowell, Mansfield, Marlborough, Marshfield, Maynard, Medway, Mendon, Methuen, Middleborough, Milford, Millville, Newbury, Newburyport, Norfolk, Northborough, Norton, Pembroke, Plainville, Plympton, Raynham, Rockport, Rowley, Shirley, Southborough, Stow, Tyngsborough, Upton, Westborough, West Bridgewater, Westford, West Newbury or Wrentham shall receive a per diem allowance for mileage, meals and lodging of \$26 per day; a member of the general court who lives in the city or town of Acushnet, Amesbury, Ashby, Attleboro, Auburn, Berkley, Berlin, Boylston, Clinton, Dighton, Douglas, Fall River, Fitchburg, Freetown, Grafton, Holden, Lancaster, Leicester, Leominster, Lunenburg, Marion, Mattapoisett, Merrimac, Millbury, Northbridge, North Attleborough, Oxford, Paxton, Pepperell, Plymouth, Princeton, Rehoboth, Rochester, Rutland, Salisbury, Seekonk, Shrewsbury, Somerset, Sterling, Sutton, Swansea, Taunton, Townsend, Uxbridge, Wareham, Webster, West Boylston, Westminster or Worcester shall receive a per diem allowance for mileage, meals and lodging of \$36 per day; a member of the general court who lives in the city or town of Ashburnham, Barre, Bourne, Brookfield, Charlton, Dartmouth, Dudley, East Brookfield, Fairhaven, Gardner, Hubbardston, New Bedford, New Braintree, North Brookfield, Oakham, Sandwich, Southbridge, Spencer, Sturbridge, Templeton, Warren, West Brookfield, Westport or Winchendon shall receive a per diem allowance for mileage, meals and lodging of \$45 per day; a member of the general court who lives in the city or town of Athol, Barnstable, Belchertown, Brimfield, Dennis, Falmouth, Hardwick, Holland, Mashpee, Monson, New Salem, Orange, Palmer, Petersham, Phillipston,

Royalston, Wales, Ware or Yarmouth shall receive a per diem allowance for mileage, meals and lodging of \$50 per day; a member of the general court who lives in the city or town of Amherst, Brewster, Chatham, Chicopee, Eastham, East Longmeadow, Erving, Gill, Granby, Hadley, Hampden, Harwich, Leverett, Longmeadow, Ludlow, Montague, Northfield, Orleans, Pelham, Shutesbury, South Hadley, Springfield, Sunderland, Warwick, Wendell or Wilbraham shall receive a per diem allowance for mileage, meals and lodging of \$60 per day; a member of the general court who lives in the city or town of Agawam, Bernardston, Conway, Deerfield, Easthampton, Greenfield, Hatfield, Holyoke, Leyden, Montgomery, Northampton, Shelburne, Southampton, Southwick, Truro, Wellfleet, Westfield, Westhampton, West Springfield, Whately or Williamsburg shall receive a per diem allowance for mileage, meals and lodging of \$66 per day; a member of the general court who lives in the city or town of Ashfield, Blandford, Buckland, Charlemont, Chester, Chesterfield, Colrain, Cummington, Goshen, Granville, Hawley, Heath, Huntington, Plainfield, Provincetown, Russell, Tolland or Worthington shall receive a per diem allowance for mileage, meals and lodging of \$74 per day; a member of the general court who lives in the city or town of Becket, Dalton, Florida, Hinsdale, Lee, Middlefield, Monroe, Monterey, Otis, Peru, Rowe, Sandisfield, Savoy, Tyringham, Washington or Windsor shall receive a per diem allowance for mileage, meals and lodging of \$82 per day; a member of the general court who lives in the city or town of Adams, Alford, Aquinnah, Cheshire, Chilmark, Clarksburg, Edgartown, Egremont, Gosnold, Great Barrington, Hancock, Lanesborough, Lenox, Mount Washington, New Ashford, New Marlborough, North Adams, Oak Bluffs, Pittsfield, Richmond, Sheffield, Stockbridge, Tisbury, West Stockbridge, West Tisbury or Williamstown shall receive a per diem allowance for mileage, meals and lodging of \$90 per day; a member of the general court who lives in the town of Nantucket shall receive a per diem allowance for mileage, meals and lodging of \$100 per day.

Whenever the general court is not in session, but not having prorogued, each member shall also receive such per diem allowance for each day for travel from his place of residence to the state house and return therefrom, while in

the performance of his official duties, upon certification to the state treasurer that he was present at the state house.

Each member of the general court shall also be paid such per diem allowance after prorogation of the general court for each day for travel from his place of residence to the state house and return therefrom while in the performance of his official duties upon certification to the state treasurer that he was present at the state house.

SECTION 11. Section 3 of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "fifteen thousand six hundred dollars" and inserting in place thereof the following figure:- \$25,000.

SECTION 12. The second paragraph of section 4I of chapter 7 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following four sentences:- The secretary of administration and finance shall make an annual report to the governor, the house and senate committees on ways and means and the joint committees on commerce and labor and public service on the operation of the commission. The report shall include an analysis of the rulings of each commissioner and the overall operation of the commission. Said secretary shall include in the report any recommendations for reforming the commission and ensuring the impartiality of hearings before said commission and compliance with applicable statutory standards. The secretary shall also establish regulations for receiving and reviewing complaints from appointing authorities or other parties appearing before the commission about conduct of any commissioner.

SECTION 13. Section 38E of said chapter 7, as so appearing, is hereby amended by adding the following subsection:-

(g) The division of capital asset management and maintenance in consultation with the board shall develop a standard designer evaluation form that shall be completed by every public agency, as defined in section 44A of chapter 149, upon completion of the work under a design contract under its control, and submitted to the division and the board for the designer's qualification file. The official from the public agency or the owner's

representative as described in section 44A of said chapter 149 shall certify that the information contained on the designer evaluation form represents, to the best of his knowledge, a true and accurate analysis of the designer's performance record on the contract. The public agency shall mail a copy of the designer evaluation form to the designer who may, within 30 days, submit a written response to the division and board disputing any information contained in the form and setting forth any additional information concerning the building project or the oversight of the building construction contract by the public agency as may be relevant to the evaluation of the designer's performance on the contract. The division and board shall attach any such response to the evaluation form for inclusion in the designer's qualification file. No public employee or public employer, as defined in section 1 of chapter 258, and no person shall be liable for an injury or loss to a designer as a result of the completion of a designer evaluation form as required by this section unless the individual completing such evaluation form has been found by a superior court of competent jurisdiction to have acted in a willful, wanton or reckless manner. If a suit is commenced by a designer against any person who has completed a designer evaluation form as required by this section seeking to recover damages resulting from injury caused by such evaluation, the public agency for whom such evaluation form was completed or the commonwealth, if such evaluation was completed for a state agency, shall provide for the legal representation of such person. Such public agency or the commonwealth, where an evaluation was completed for a state agency, shall also indemnify such person from all personal financial losses and expenses including, but not limited to, legal fees and filing costs, if any, in an amount not to exceed \$1,000,000, but no such person shall be indemnified for losses other than legal fees and filing costs under this section if such person is found by a court or a jury to have acted in a willful, wanton or reckless manner.

The awarding authority shall provide the designer with a written preliminary evaluation at the completion of the schematic phase of the project for informational purposes.

Any public agency that fails to complete and submit the designer evaluation form, together with any written response by any designer, to the division within 70 days of the completion of a project shall be ineligible for the receipt of any public funds disbursed by the commonwealth for the purposes of public building or public works projects.

SECTION 14. Section 38H of said chapter 7, as so appearing, is hereby amended by striking out subparagraph (d).

SECTION 15. Section 40B of said chapter 7, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "two hundred thousand dollars" and inserting in place thereof the following figure:- \$500,000.

SECTION 16. Section 40G of said chapter 7, as so appearing, is hereby amended by striking out the third paragraph.

SECTION 17. Section 49 of said chapter 7, as so appearing, is hereby amended by striking out subsection (a) and inserting, in place thereof, the following subsection:-

(a) There shall be within the executive office of administration and finance, but not subject to its control, a public employee retirement administration commission consisting of nine members, three of whom shall be appointed by the governor, three of whom shall be appointed by the state auditor, two of whom shall be appointed by the state treasurer, and one of whom shall be chosen by the first eight members and who shall be chairperson. Of the three persons appointed by the governor, one shall be the governor or his designee, one shall be a representative of a public safety union and one shall be qualified by having training and experience in the investment of funds as a result of having been principally employed in such occupation for a period of at least ten years. Of the three persons appointed by the state auditor, one shall be the state auditor or his designee, one shall be the president of Massachusetts AFL-CIO or his designee and one shall be a representative of the Massachusetts Municipal Association. Of the two persons appointed by the state treasurer, one shall be the state treasurer or his designee and one shall be the president of the Massachusetts Association of Contributory Retirement Systems, whose term shall be coterminous with his term

as the president of the Association. Each member of the commission shall serve for a term of five years, except that in making initial appointments, the governor and the state auditor shall each appoint one member for a term of three years and one member for a term of four years. The members shall serve without compensation but shall receive necessary expenses incurred in the discharge of their official duties. Upon the expiration of the term of an appointed member, or of the chairman, or in the event of a vacancy otherwise created in such positions, the successor for such position shall be appointed in the manner aforesaid, or for the remainder of said term, whichever is applicable. In the event the representative of a public safety union, the president of the Massachusetts Association of Contributory Retirement Systems or the designee of the president of the Massachusetts AFL-CIO is a public employee, he shall be granted leave, without loss of pay or benefits and without being required to make up lost time, if on duty, for regularly scheduled work hours while in the performance of responsibilities of the commission. The public employee retirement administration commission shall select an executive director, and enter into an employment contract with such director. The provisions of sections 9A, 45, 46, and 46C of chapter 30 and the provisions of chapter 31 and chapter 150E shall not apply to the executive director or any other employee of the commission.

SECTION 18. Chapter 12 of the General Laws is hereby amended by inserting after section 5 the following 15 sections:-

Section 5A. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Claim", any request or demand, whether pursuant to a contract or otherwise, for money or property which is made to an officer, employee, agent or other representative of the commonwealth, political subdivision thereof or to a contractor, subcontractor, grantee, or other person if the commonwealth or any political subdivision thereof provides any portion of the money or property which is requested or demanded, or if the commonwealth or any political subdivision thereof will reimburse directly or indirectly such

contractor, subcontractor, grantee, or other person for any portion of the money or property which is requested or demanded.

"False claims law", pursuant to sections 5B to 50, inclusive.

"False claims action", an action filed by the office of the attorney general or a relator pursuant to this section.

"Knowing and knowingly", possessing actual knowledge of relevant information, acting with deliberate ignorance of the truth or falsity of the information or acting in reckless disregard of the truth or falsity of the information and no proof of specific intent to defraud is required.

"Original source", an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the attorney general, without public disclosure, before filing an action under this section which is based on such information.

"Person", any natural person, corporation, partnership, association, trust or other business or legal entity.

"Political subdivision", any city, town, county or other governmental entity authorized or created by state law, including public corporations and authorities.

"Relator", an individual who brings an action under paragraph (2) of section 5C.

Section 5B. Any person who:

(1) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

(2) knowingly makes, uses, or causes to be made or used, a false record or statement to obtain payment or approval of a claim by the commonwealth or any political subdivision thereof;

(3) conspires to defraud the commonwealth or any political subdivision thereof through the allowance or payment of a fraudulent claim;

(4) has possession, custody, or control of property or money used, or to be used, by the commonwealth or any political subdivision thereof and knowingly delivers, or causes to be delivered to the commonwealth, less



property than the amount for which the person receives a certificate or receipt with the intent to willfully conceal the property;

(5) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the commonwealth or any political subdivision thereof and with the intent of defrauding the commonwealth or any political subdivision thereof, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(6) buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the commonwealth or any political subdivision thereof, knowing that said officer or employee may not lawfully sell or pledge the property;

(7) enters into an agreement, contract or understanding with one or more officials of the commonwealth or any political subdivision thereof knowing the information contained therein is false;

(8) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or to transmit money or property to the commonwealth or political subdivision thereof; or

(9) is a beneficiary of an inadvertent submission of a false claim to the commonwealth or political subdivision thereof, subsequently discovers the falsity of the claim, and fails to disclose the false claim to the commonwealth or political subdivision within a reasonable time after discovery of the false claim shall be liable to the commonwealth or political subdivision for a civil penalty of not less than \$5,000 and not more than \$10,000 per violation, plus three times the amount of damages, including consequential damages, that the commonwealth or political subdivision sustains because of the act of that person. A person violating sections 5B to 50, inclusive, shall also be liable to the commonwealth or any political subdivision for the expenses of the civil action brought to recover any such penalty or damages, including without limitation reasonable attorney's fees, reasonable expert's fees and the costs of investigation, as set forth below. Costs recoverable under said sections 5B to 50, inclusive, shall also include

the costs of any review or investigation undertaken by the attorney general, or by the state auditor or the inspector general in cooperation with the attorney general.

(10) Notwithstanding the provisions of paragraphs (1) to (9), inclusive, if the court finds that:

(i) the person committing the violation of said paragraphs (1) to (9) furnished an official of the office of the attorney general responsible for investigating false claims law violations with all the information known to such person about the violation within 30 days after the date on which the person first obtained the information;

(ii) such person fully cooperated with any commonwealth investigation of such violation; and

(iii) at the time such person furnished the commonwealth with the information about the violation, no civil action or administrative action had commenced under sections 5B to 50, inclusive, or no criminal prosecution had commenced with respect to such violation, and such person did not have actual knowledge of the existence of an investigation into such violation, the court may reduce the assessment of damages to the amount of damages, including consequential damages, that the commonwealth or any political subdivision thereof sustains because of the act of a person.

(11) A corporation, partnership or other person is liable to the commonwealth under sections 5B to 50, inclusive, for the acts of its agent where the agent acted with apparent authority, regardless of whether the agent acted, in whole or in part, to benefit the principal and regardless of whether the principal adopted or ratified the agent's claims, representation, statement or other action or conduct.

(12) Sections 5B to 50, inclusive shall not apply to claims, records or statements made or presented to establish, limit, reduce, or evade liability for the payment of tax to the commonwealth, or any other governmental authority.

(13) A person who has engaged in conduct described in paragraphs (1) to (9), inclusive, prior to payment shall only be entitled to payment from the

commonwealth of the actual amount due less the excess amount falsely or fraudulently claimed.

Section 5C. (1) The attorney general shall investigate violations under sections 5B to 50, inclusive, involving state funds or funds from any political subdivision. If the attorney general finds that a person has violated or is violating said sections 5B to 50, inclusive, the attorney general may bring a civil action in superior court against the person.

(2) An individual, hereafter referred to as relator, may bring a civil action in superior court for a violation of said sections 5B to 50, inclusive, on behalf of the relator and the commonwealth or any political subdivision thereof. The action shall be brought in the name of the commonwealth or the political subdivision thereof. The action may be dismissed only if the attorney general gives written reasons for consenting to the dismissal and the court approves the dismissal. Notwithstanding any general or special law to the contrary, it shall not be a cause for dismissal or a basis for a defense that the relator could have brought another action based on the same or similar facts under any other law or administrative proceeding.

(3) When a relator brings an action pursuant to said sections 5B to 50, inclusive, a copy of the complaint and written disclosure of substantially all material evidence and information the relator possesses shall be served on the attorney general pursuant to Rule 4(d)(3) of the Massachusetts Rules of Civil Procedure. The complaint shall be filed under seal and shall remain so for 120 days. Notwithstanding any other general or special law or procedural rule to the contrary, service on the defendant shall not be required until the period provided in paragraph (5). The attorney general may, for good cause shown, ask the court for extensions of no more than 90 days during which the complaint shall remain under seal. Any such motions may be supported by affidavits or other submissions under seal. The court shall not grant more than two requests for extensions unless the attorney general can demonstrate extraordinary circumstances requiring a further extension. The attorney general may elect to intervene and proceed with the action on behalf of the commonwealth or political subdivision within the 120 day period or during any

extension, after he receives both the complaint and the material evidence and information. Any information or documents furnished by the relator to the attorney general in connection with an action or investigation under said sections 5B to 50, inclusive, shall be exempt from disclosure under section 10 of chapter 66.

(4) Before the expiration of the initial 120 day period or any 90 day extensions obtained under paragraph (3), the attorney general shall; (i) assume control of the action, in which case the action shall be conducted by the attorney general; or (ii) notify the court that he declines to take over the action, in which case the relator shall have the right to conduct the action.

(5) If the attorney general decides to proceed with the action, the complaint shall be unsealed and served promptly thereafter. The defendant shall not be required to respond to any complaint filed under said sections 5B to 50, inclusive, until 20 days after the complaint is unsealed and served upon the defendant pursuant to rule 4 of the Massachusetts rules of civil procedure.

(6) When a relator brings an action pursuant to this section, no person other than the attorney general may intervene or bring a related action based on the facts underlying the pending action.

Section 5D. (1) If the attorney general proceeds with the action, he shall have primary responsibility for prosecuting the action, and shall not be bound by any act of the relator. The relator shall have the right to continue as a party to the action, subject to the limitations in sections 5B to 50, inclusive.

(2) The attorney general may dismiss the action notwithstanding the objections of the relator if the relator has been notified by the attorney general of the filing of the motion and the court has provided the relator with an opportunity for a hearing on the motion. Upon a showing of good cause, such hearing may be held in camera.

(3) The attorney general may settle the action with the defendant notwithstanding the objections of the relator if the court determines, after a

hearing, that the proposed settlement is fair, adequate and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

(4) Upon a showing by the attorney general that unrestricted participation during the course of the litigation by the relator initiating the action would interfere with or unduly delay the attorney general's prosecution of the case, or would be repetitious, irrelevant or for purposes of harassment, the court may, in its discretion, impose limitations on the relator's participation, including but not limited to: (i) limiting the number of witnesses the relator may call; (ii) limiting the length of the testimony of such witnesses; (iii) limiting the relator's cross examination of witnesses; or (iv) otherwise limiting the participation by the relator in the litigation.

(5) Upon a showing by the defendant that unrestricted participation during the course of the litigation by the relator would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the relator in the litigation.

(6) If the attorney general elects not to proceed with the action, the relator who initiated the action shall have the right to conduct the action. If the attorney general so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the attorney general's expense. When a relator proceeds with the action, the court, without limiting the status and rights of the relator initiating the action, may nevertheless permit the attorney general to intervene at a later date upon a showing of good cause.

(7) Whether or not the attorney general proceeds with the action, upon a showing by the attorney general that certain acts of discovery by the relator initiating the action would interfere with the attorney general's investigation or prosecution of a criminal or civil matter arising out of the same or similar facts, the court may stay such discovery for a period of not more than 60 days. Such showing by the attorney general shall be conducted in camera. The court may extend the 60 day period upon a further showing in

camera that the attorney general has pursued the criminal or civil investigation or proceedings with reasonable diligence and may stay any proposed discovery in the civil action that will interfere with the ongoing criminal or civil investigations or proceedings.

Section 5E. Notwithstanding the provisions of section 5C, the attorney general may elect to pursue its claim through any alternate remedy available to the attorney general, including any administrative proceeding, to determine a civil penalty. If any such alternate remedy is pursued in another proceeding, a relator shall have the same rights in such proceeding as said relator would have had if the action had continued under said section 5C. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to an action under sections 5B to 50, inclusive. For purposes of this section, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the commonwealth, if all time for filing such an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

Section 5F. (1) If the attorney general proceeds with an action brought by a relator pursuant to section 5C, the relator shall receive at least 15 per cent but not more than 25 per cent of the proceeds recovered and collected in the action or in settlement of the claim depending upon the extent to which the relator substantially contributed to the prosecution of the action.

(2) Where the action is one which the court finds to be based primarily on disclosures of specific information, other than information provided by the relator, relating to allegations or transactions in a criminal, civil, or administrative hearing; in a legislative, administrative, auditor or inspector general hearing, audit, or investigation; or from the news media, the court may award such sums as it considers appropriate, but in no case more than 10 per cent of the proceeds, taking into account the significance of the information and the role of the relator bringing the action in advancing the case to litigation.

(3) Any payment to a relator pursuant to this section shall be made only from the proceeds recovered and collected in the action or in settlement of the claim. Any such relator shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, including reasonable attorney's fees and costs. All such expenses, shall be awarded against the defendant.

(4) If the attorney general does not proceed with an action pursuant to section 5C, the relator bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages on behalf of the commonwealth or any political subdivision thereof. The amount shall be not less than 25 per cent nor more than 30 per cent of the proceeds recovered and collected in the action or settlement of the claim, and shall be paid out of such proceeds. The relator shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, including reasonable attorney's fees and costs. All such expenses shall be awarded against the defendant.

(5) Whether or not the attorney general proceeds with the action, if the court finds that the action was brought by a relator who planned, initiated or knowingly participated in the violation of sections 5B to 5O, inclusive, then the court may, to the extent the court considers appropriate, reduce or eliminate the share of the proceeds of the action which the relator would otherwise receive pursuant to paragraphs (1) to (4), inclusive, taking into account the role of the relator in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the relator bringing the action is convicted of criminal conduct arising from his role in the violation of this section, the relator shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the attorney general to continue the action.

Section 5G. (1) No court shall have jurisdiction over an action brought pursuant to section 5C against the governor, lieutenant governor, the attorney general, the treasurer, secretary of state, the auditor, a member of the

general court, the inspector general or a member of the judiciary, if the action is based on evidence or information known to the commonwealth when the action was brought.

(2) An individual may not bring an action pursuant to paragraph (2) of said section 5C that is based upon allegations or transactions which are the subject of a civil suit or an administrative proceeding in which the commonwealth or any political subdivision thereof is already a party.

(3) No court shall have jurisdiction over an action pursuant to sections 5B to 50, inclusive, based upon the public disclosure of allegations or transactions in a criminal, civil or administrative hearing; in a legislative, administrative, auditor's or inspector general's report, hearing, audit or investigation; or from the news media, unless the action is brought by the attorney general, or the relator is an original source of the information. No court shall have jurisdiction over an action pursuant to said sections 5B to 50, inclusive, brought by a person who knew or had reason to know that the attorney general, the state auditor or the inspector general already had knowledge of the situation.

(4) An individual who is or was employed by the commonwealth or any political subdivision thereof as an auditor, investigator, attorney, financial officer, or contracting officer who otherwise performed such functions for the commonwealth or who discovered or learned of the allegations or the underlying facts from such persons, may not bring an action pursuant paragraph (2) of section 5C that is based upon allegations or transactions that the relator discovered or learned of in such capacity. For the purposes of this paragraph, the term "in such capacity" shall refer to any matter within the scope of such person's duties or job description.

Section 5H. (1) All money recovered by the commonwealth, as a result of actions brought by the attorney general or a person pursuant to sections 5B to 50, inclusive, other than costs and attorney's fees awarded pursuant to paragraph (2), shall be credited by the state treasurer to the False Claims Prosecution Fund, established by section 2YY of chapter 29.



(2) Costs and attorney's fees awarded to a relator by final judicial order in an action under this section shall be paid directly by the defendant to the relator.

Section 5I. (1) If the attorney general initiates an action or assumes control of an action brought by a person pursuant to sections 5B to 50, inclusive, the attorney general shall be awarded his reasonable attorney's fees and expenses incurred in the litigation, including costs, if he prevails in the action. Any such award shall be deposited in the False Claims Prosecution Fund established by said section 2YY of said chapter 29.

(2) If the attorney general does not proceed with an action pursuant to sections 5B to 50, inclusive, and the defendant is the prevailing party, the court may award the defendant reasonable attorneys' fees and costs against the relator upon a written finding that such action was pursued in bad faith or was wholly insubstantial, frivolous, and advanced for the purpose of causing the defendant undue burden, unnecessary expense or harassment.

(3) No liability shall be incurred by the commonwealth, the affected agency or the attorney general for any expenses, attorney's fees or other costs incurred by any person in bringing or defending an action under said sections 5B to 50, inclusive.

Section 5J. (1) No employer shall make, adopt or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency or from acting to further a false claims action, including investigating, initiating, testifying, or assisting in an action filed or to be filed pursuant to said sections 5B to 50, inclusive. No employer shall require as a condition of employment, during the term of employment, or at the termination of employment, that any employee agree to, accept or sign any agreement that limits or denies the employee's rights to bring an action or provide information to a government or law enforcement agency pursuant to said sections 5B to 50, inclusive. Any such agreement shall be void.

(2) No employer shall discharge, demote, suspend, threaten, harass, deny promotion to, or in any other manner discriminate against an employee in the

terms or conditions of employment because of lawful acts done by the employee on behalf of the employee or others in disclosing information to a government or law enforcement agency or in furthering a false claims action, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed pursuant to sections 5B to 50, inclusive.

(3) Notwithstanding any general or special law to the contrary, an employer who violates paragraph (2) shall be liable for such damages or equitable relief as a court shall deem appropriate, including: reinstatement with the same seniority status such employee would have had but for the employer's violation of sections 5B to 50, inclusive, two times the amount of back pay, interest on the back pay, and compensation for any special damage sustained as a result of the employer's violation of said sections 5B to 50, inclusive. In addition, the defendant shall be required to pay litigation costs and reasonable attorney's fees. An employee may bring an action in the appropriate superior court or the superior court of the county of Suffolk for the relief provided in this section.

(4) An employee who is discharged, demoted, suspended, harassed, denied promotion, or in any other manner discriminated against in the terms and conditions of employment by his employer because of participation in conduct which directly or indirectly resulted in a false claim being submitted to the commonwealth or a political subdivision thereof shall be entitled to the remedies pursuant to paragraph (3) only if both of the following occurred:

(i) the employee has been harassed, threatened with termination or demotion, or otherwise coerced by the employer or its management into engaging in the fraudulent activity in the first place; and

(ii) the employee voluntarily disclosed information prior to being dismissed to a government or law enforcement agency or acts in furtherance of a false claims action, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed.

Section 5K. (1) A civil action pursuant to sections 5B to 50, inclusive, for a violation of section 5B may not be brought (i) more than six years after the date on which the violation occurred; or (ii) more than three

years after the date when facts material to the right of action are known or reasonably should have been known by the official within the office of the attorney general charged with responsibility to act in the circumstances, but in no event more than ten years after the date on which the violation is committed, whichever occurs last. A civil action pursuant to sections 5B to 50, inclusive, may be brought for acts or omissions that occurred prior to the effective date of this section, subject to the limitations period set forth in this section.

(2) Notwithstanding any other law or rule of procedure or evidence, a final judgment rendered in favor of the commonwealth in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty or nolo contendere, shall estop the defendant from denying the essential elements of the offense in any action which involves the same act, transaction or occurrence as in the criminal proceedings and which is brought under section 5B.

Section 5L. In any action brought pursuant to sections 5B to 50, inclusive, the party bringing the action shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

Section 5M. The attorney general may promulgate any rules, regulations or guidelines that, in the attorney general's judgment, are necessary and appropriate to the effective administration of this chapter.

Section 5N. (1) Notwithstanding any general or special law, procedural rule or regulation to the contrary, the attorney general, whenever he has reason to believe that any person may be in possession, custody or control of any documentary material or information relevant to a false claims law investigation, may, before commencing a civil proceeding under sections 5B to 50, inclusive, issue in writing and cause to be served upon such person, a civil investigative demand requiring such person (i) to produce such documentary material for inspection and copying; (ii) to answer written interrogatories, in writing and under oath; (iii) to give oral testimony under

oath; or (iv) to furnish any combination of such material, answers or testimony.

(2) Service of any such demand may be made by (i) delivering a copy thereof to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (ii) delivering a copy thereof to the principal place of business in the commonwealth of the person to be served; or (iii) mailing by registered or certified mail a copy thereof addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.

(3) Each such demand requesting documentary material or oral testimony shall (i) state the time and place of the taking of testimony or the examination and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs; (ii) state the nature of the conduct constituting the alleged violation of a false claims law which is under investigation, and the applicable provision of law alleged to be violated; (iii) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified; (iv) prescribe a return date within which the documentary material is to be produced; (v) identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying; and (vi) if such demand is for the giving of oral testimony, notify the person receiving the demand of the right to be accompanied by an attorney and any other representative, prescribe a date, time and place at which oral testimony shall be commenced, identify the assistant attorney general who shall conduct the examination and to whom the transcript of such examination shall be submitted, specify that such attendance and testimony are necessary to the conduct of the investigation, and describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of

inquiry, which will be taken pursuant to the demand. Notice of the time and place of taking oral testimony shall be given by the attorney general at least ten days prior to the date of such taking of testimony or examination, unless the attorney general or an assistant attorney general designated by the attorney general determines that exceptional circumstances are present which warrant such taking of testimony within a lesser period of time.

(4) The oral examination of all persons pursuant to sections 5B to 50, inclusive, shall be conducted before a person duly authorized to administer oaths by the law of the commonwealth. Rule 30(e) of the Massachusetts Rules of Civil Procedure shall be applicable to oral examinations conducted pursuant to said sections 5B to 50, inclusive.

(5) Any person compelled to appear for oral testimony under a civil investigative demand issued under said sections 5B to 50 may be accompanied, represented and advised by counsel. Counsel may advise such person, in confidence, with respect to any question asked of such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on the grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. Such person may not otherwise object to or refuse to answer any question, and may not directly or through counsel otherwise interrupt the oral examination. If such person refuses to answer any question, a motion may be filed for an order compelling such person to answer such question.

(6) The production of documentary material in response to a civil investigative demand served under sections 5B to 50, inclusive, shall be made under a sworn certificate, in such form as the demand designates, by (i) in the case of a natural person, the person to whom the demand is directed, or (ii) in the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person. The certificate shall state that

all of the documentary material required by the demand and in the possession, custody or control of the person to whom the demand is directed has been produced and made available to the members of the attorney general's staff identified in the demand.

(7) Each written interrogatory served under sections 5B to 50, inclusive, shall be answered separately and fully in writing under the penalties of perjury. The person upon whom the interrogatories have been served shall serve the answers and objections, if any, upon the attorney general within 14 days after service of the interrogatories.

(8) Any documentary material or other information produced by any person pursuant to sections 5B to 50, inclusive, shall not, unless otherwise ordered by a justice of the superior court for good cause shown, be disclosed to any person other than the authorized agent or representative of the attorney general and any officer or employee of the commonwealth who is working under their direct supervision with respect to the false claims law investigation, unless with the consent of the person producing the same. Such documentary material or information may be disclosed by the attorney general in court proceedings or in papers filed in court. Nothing in this section shall preclude the attorney general from disclosing information and evidence secured pursuant to sections 5B to 50, inclusive, to officials of the United States, the commonwealth or any political subdivision thereof charged with responsibility for enforcement of federal, state or local laws respecting fraud or false claims upon federal, state or local governments. Prior to any such disclosure the attorney general shall obtain a written agreement from such officials to abide by the restrictions of this section.

(9) At any time prior to the date specified in the civil investigative demand, or within 21 days after the demand has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or set aside such demand or grant a protective order in accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil Procedure. The motion may be filed in the superior court of

the county in which the person served resides or has his usual place of business, or in Suffolk county.

(10) Whenever any person fails to comply with any civil investigative demand issued under sections 5B to 50, inclusive, the attorney general may file, in the superior court of the county in which such person resides, is found, or transacts business, a motion for the enforcement of the civil investigative demand. The Massachusetts Rules of Civil Procedure shall apply to any such motion. Any final order entered pursuant to such petition may also include the assessment of a civil penalty of not more than \$5,000 for each act or instance of noncompliance.

(11) All such information and documentary materials as are obtained by the attorney general pursuant to sections 5B to 50, inclusive, shall not be public records and are exempt from disclosure under section 10 of chapter 66 or any other law.

(12) For purposes of sections 5B to 50, inclusive, "documentary material" shall include the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart or other document or graphic representation, or data stored in or accessible through a computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data.

(13) Nothing in sections 5B to 50, inclusive, shall be construed to authorize the attorney general to compel the production of information or documents from the state auditor or from the inspector general, unless otherwise authorized by law. Nothing in this chapter shall bar the attorney general from referring matters or disclosing information or documents to the state auditor or to the inspector general for purposes or any review or investigation they may deem appropriate.

Section 50. Nothing in sections 5B to 5M, inclusive, shall be construed to relieve an agency of its reporting requirements regarding matters within that agency under chapter 647 of the acts of 1989.

SECTION 19. Said chapter 12 is hereby further amended by inserting after section 10 the following two sections:-

Section 10A. (a) There shall be within the department of the attorney general a health law unit to protect the public interest by enforcing existing laws that preserve access to affordable, high quality health care responsive to the needs of communities. The attorney general shall designate an assistant attorney general as the director of such unit. Subject to the approval of the attorney general, said director may appoint or retain and remove such expert, clerical or other assistants as the work of the unit may require.

(b) In addition to any other authority he may have, the attorney general may conduct an investigation upon application to and with the approval of a justice of the trial court whenever he reasonably believes that public health or safety will be jeopardized by changes or proposed changes in the availability, affordability or quality of health care delivery or services. In conducting such investigation, he may: (a) take testimony under oath; (b) examine or cause to be examined any relevant documentary material of whatever nature; and (c) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. The nature, contents and procedure for any notice issued by the attorney general relating to the taking of testimony, examinations or attendance shall be as set forth in subsections 2 to 7, inclusive, of section 6 of chapter 93A.

(c) In performing its duties, the health law unit may work in coordination with other divisions or areas within the department of the attorney general responsible for regulation or oversight of matters relating to health care or health insurance and may provide necessary or appropriate legal, financial or technical support to such other divisions or areas.

Section 10B. (a) There shall be within the health law unit, but not subject to its control, a health law advisory commission to advise the attorney general and the director of the unit on ongoing issues relating to health care access, affordability, quality and community participation. The commission shall be comprised of nine members: one of whom shall be the



commissioner of public health; one of whom shall be the commissioner of medical assistance; one of whom shall be the commissioner of health care finance and policy; three of whom shall be appointed by the senate president, one of whom shall be a health care finance expert from a school of public health, one of whom shall be a health law and policy expert from a school of government, law or public health and one of whom shall be from a consumer health care advocacy organization; and three of whom shall be appointed by the speaker of the house of representatives, one of whom shall be a health care finance expert from a school of public health, one of whom shall be a health law and policy expert from a school of government, law or public health and one of whom shall be from a consumer health care advocacy organization.

(b) The commission shall meet not less than quarterly and shall assist and advise the attorney general and the director of the health law unit on the following: (i) the development of a unified approach to government regulation of health care entities to best address issues effecting patient access, patient care and community involvement; (ii) any new developments in health care law and policy that may be relevant to the ongoing regulation of health care entities; and (iii) the changing needs of the public in relation to health care access, affordability and quality.

SECTION 20. Said chapter 12 is hereby further amended by adding the following section:-

Section 32. (a) The district attorneys in the Suffolk, Middlesex, Essex, Worcester, Hampden, Hampshire/Franklin, Norfolk, Plymouth, Bristol, Cape and Islands and Berkshire counties shall operate community based juvenile justice programs in order to coordinate efforts of the criminal justice system in addressing juvenile justice through cooperation with the schools and local law enforcement representatives, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health.

(b) A district attorney's community based juvenile justice program shall identify cases in which juvenile offenders are among those most likely to pose a threat to their community. The program shall treat the identified cases as

priority prosecution cases and impose individualized sanctions designed to deter the offender from further criminal or delinquent conduct. The office of the district attorney shall work with the schools and community representatives on development of violence prevention and intervention programs, identification, protocol and curricula.

(c) The offices of the district attorneys shall conduct weekly working sessions focusing on specific events and particular individuals whose conduct poses a threat to schools, neighborhoods and communities. The district attorneys shall be responsible for creating, managing and updating a priority prosecution list of individuals identified as the community's most serious violent youths and repeat offenders and shall update the list as events may happen and the individual is moved through the criminal justice system.

(d) The district attorneys shall assign prosecutors to the community based juvenile justice program who shall treat the identified cases as their priority cases and shall work with the school, courts and other agencies to deter violent, criminal or delinquent conduct. The offices of the district attorneys shall be responsible for managing the lists, compiling and publishing statistics, coordinating meetings with the assistant district attorneys assigned to the program and local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health.

(e) The district attorneys operating such programs shall participate in a community based juvenile justice program task force for the purpose of sharing information on the practices and developments of violence prevention and prosecution in their particular programs and such task force shall submit an annual report on each program, including statistics and findings, to the house and senate committees on ways and means on or before February 1 each year.

SECTION 21. Section 8 of chapter 13 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be a division of professional licensure under the supervision of a director.

SECTION 22. Section 9 of said chapter 13, as so appearing, is hereby amended by striking out, in line 2, the word "registration" and inserting in place thereof the following words:- professional licensure.

SECTION 23. Said section 9 of said chapter 13, as so appearing, is hereby further amended by striking out, in line 4, the words "of registration".

SECTION 24. Section 9A of said chapter 13, as so appearing, is hereby amended by striking out, in line 1, the words "of registration".

SECTION 25. Section 11C of said chapter 13 , as so appearing, is hereby amended by striking out, in line 1, the word "registration" and inserting in place thereof the following words:- professional licensure.

SECTION 26. The first sentence of the first paragraph of section 11D of said chapter 13, inserted by section 25 of chapter 127 of the acts of 1999, is hereby amended by striking out the words "division of registration" and inserting in place thereof the following words:- division of professional licensure.

SECTION 27. Section 11D of chapter 13 of the General Laws, as added by section 25 of chapter 127 of the acts of 1999, is hereby amended by striking out, in line four, the word "eight" and inserting in place thereof the word:- nine and,- by striking out in line five the word "three" and inserting in place thereof the following word:- four.

SECTION 28. Said section 11D of said chapter 13 of the General Laws, as so added is hereby further amended by striking out, in line 15, the period after the word "years" and inserting in place thereof a comma, and adding the following:- except that of the members of the first board, three members shall be appointed for terms of one year, three members shall be appointed for terms of two years, and three members shall be appointed for terms of three years.

SECTION 29. Section 38 of said chapter 13, as so appearing, is hereby amended by striking out, in line 5, the word "registration" and inserting in place thereof the following words:- professional licensure.

SECTION 30. Section 43 of said chapter 13, as so appearing, is hereby amended by striking out, in line 3, the word "the division of registration" and inserting in place thereof the following words:- professional licensure.

SECTION 31. Section 84 of said chapter 13, as so appearing, is hereby amended by striking out, in line 21, the word "registration" and inserting in place thereof the following words:- professional licensure.

SECTION 32. Section 88 of said chapter 13, as so appearing, is hereby amended by striking out, in line 1, the word "registration" and inserting in place thereof the following words:- professional licensure.

SECTION 33. Section 92 of said chapter 13, as so appearing, is hereby amended by striking out, in line 37, the word "registration" and inserting in place thereof the following words:- professional licensure.

SECTION 34. Section 96 of said chapter 13, added by section 1 of chapter 146 of the acts of 1999, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There is hereby established within the division of professional licensure, a board of registration of home inspectors.

SECTION 35. Section 1I of chapter 15 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 35 and 36, the words "six hundred forty-five of the acts of nineteen hundred and forty-eight, as amended," and inserting in place thereof the following:- 70B.

SECTION 36. Said section 1I of chapter 15 of the General Laws, as appearing in the 1998 Official Edition, is hereby further amended by striking out the third paragraph.

SECTION 37. Said chapter 15 is hereby further amended by striking out section 16, as so appearing, and inserting in place thereof the following section:-

Section 16. There shall be a teachers' retirement board for the purpose of administering the teachers' retirement system established under the provisions of chapter 32. Such board shall consist of seven members as follows: the commissioner of education, or his designee, who shall be a member ex officio and who shall serve as chairman, the state treasurer, or his

designee, the state auditor, or his designee, a fourth member who shall be appointed by the governor for a term of four years and who shall be a retired former public school teacher within the commonwealth, two members who shall be elected by the members in or retired from service of such system from among their number in such manner and for such term, not exceeding four years, as the commission shall determine, and a seventh member who shall be chosen by the other six for a term of four years. Future elections of the fifth and sixth members shall be held under the supervision of such retirement board and the terms of the fifth and sixth members shall be arranged so as not to expire in the year of expiration of the term of the seventh member. If a seventh member is not chosen by the other six members within 30 days after the expiration of the term of the seventh member, the governor shall appoint a seventh member for a term of four years. Each member of such retirement board shall continue to hold office until the expiration of his term and until the qualification of his successor. Upon the expiration of the term of office of any elected, chosen or appointed member or in case of a vacancy in either of said offices, a successor shall be elected, chosen or appointed as aforesaid for a four-year term or for the unexpired portion thereof, as the case may be, except that in no event shall the term of the seventh member expire in the same year as the term of either the fifth or sixth member.

SECTION 38. Section 9 of chapter 15A of the General Laws, as so appearing, is hereby amended by inserting after the word "colleges", in line 70, as so appearing, the following words:- ; provided, further, that said guidelines shall direct each board of trustees to establish appropriate fees for technological improvements pursuant to section 22.

SECTION 39. Said chapter 15A is hereby further amended by inserting after section 15E the following section:-

Section 15F. It is hereby declared to be the policy of the commonwealth to encourage public community college training opportunities in order to promote workforce development, minimize the shortage of skilled workers and raise economic opportunity through a matching incentive grant program to be known as the community college workforce training incentive program. Subject

to appropriation, the board of higher education shall establish guidelines for the distribution of community college workforce training incentive grants; provided, however, that said guidelines shall provide: (i) allowable incentive grant awards which shall not exceed \$200 for every \$1,000 in eligible revenues; and (ii) minimum requirements for the level of not-for-credit vocationally-oriented instruction which shall be provided by incentive grant recipients in the fiscal year in which such grant is awarded. For the purposes of this section, eligible revenues shall be defined as revenues received by a community college for one of the following purposes: tuition and fees paid by students enrolled in not-for-credit vocationally-oriented courses; tuition and fees paid by Massachusetts employers on behalf of employees enrolled in not-for-credit vocationally-oriented courses; and revenues from service contracts with Massachusetts employers to provide not-for-credit vocationally-oriented training. Revenues from contracts with public agencies, public grants or private gifts shall not be considered eligible revenues for the purposes of this section. Incentive grants shall be expended for the following purposes: to expand not-for-credit vocationally-oriented course offerings; to expand not-for-credit vocationally-oriented instruction provided through contracts with Massachusetts employers; and to otherwise promote not-for-credit vocationally-oriented instruction. The total aggregate amount of incentive grants awarded by the board shall not exceed \$2,500,000 in any fiscal year. Each community college campus shall report not later than December 31, annually, to the board of higher education and the house and senate committees on ways and means on the level of not-for-credit vocationally-oriented instruction provided in the preceding fiscal year and the anticipated level of such instruction in the current fiscal year. Said report shall detail enrollment levels, revenues received, sources of revenues, the number of service contracts established with Massachusetts employers and such other information as the board of higher education may require.

SECTION 40. Section 15F of said chapter 15A, inserted by section 39 of this act is hereby repealed.

SECTION 41. The ninth paragraph of section 16 of said chapter 15A, as so appearing, is hereby amended by adding the following sentence:- The guidelines shall include, but not be limited to, a waiver of mandatory fees.

SECTION 42. Section 19 of said chapter 15A, as amended by section 30 of chapter 127 of the acts of 1999, is hereby further amended by adding the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, the board of higher education shall provide full tuition waivers for any state-supported course offered by an institution at a public college or university, excluding graduate courses and courses in the MD program at the University of Massachusetts Medical Center, and including courses toward an undergraduate degree program, certificate program, short-term certificate program and noncredit courses at each community college, state college and undergraduate campus of the University of Massachusetts for students who are not over the age of 24 and who, while in the custody of the department of social services, were adopted by an eligible Massachusetts resident or commonwealth employee as determined by the department of social services in conjunction with the human resources division.

SECTION 43. Chapter 17 of the General Laws is hereby amended by adding the following section:-

Section 17. There shall be an advisory council on quality of care in nursing homes to consist of the commissioner of public health, the commissioner of medical assistance, the secretary of elder affairs and 11 persons to be appointed by the governor, two of whom shall be representatives of the nursing home industry, two of whom shall be direct care workers who are certified as nurse's aides, one of whom shall be a registered nurse, one of whom shall be a licensed practical nurse, one of whom shall be a member of a consumer advocacy organization, one of whom shall be a nursing home ombudsman, one of whom shall be an expert in labor recruitment and issues relative to the health care workforce, one of whom shall be a representative of a labor organization representing nursing home direct care workers recommended by the

president of the Massachusetts AFL-CIO and one of whom shall be a family member of a nursing home resident.

The duties of the advisory council shall consist of the following:

(a) to propose regulations to the department of public health establishing appropriate staffing levels for long term care facilities to ensure quality of care for residents. In developing such regulations, the council shall consider the staffing ratios recommended by the National Citizens' Coalition for Nursing Home Reform and staffing levels established in other states;

(b) to evaluate, annually, the required minimum staffing levels for nursing and ancillary nursing personnel set forth in department of public health's long term care facility regulations and to make recommendations to ensure adequate staffing;

(c) to submit a report annually to the governor and file a copy of said report with the state secretary, the clerks of the senate and house of representatives reflecting any legislative, budgetary and policy recommendations necessary to support and improve quality of care in nursing homes; and

(d) to study the status of the healthcare workforce in the commonwealth and develop legislative, budgetary and policy recommendations on labor recruitment and retention, including workforce development, compensation and benefits for staff of long term care facilities. In developing such recommendations, the council shall consult with individuals and organizations with expertise in the area of labor recruitment and workforce issues.

Members of the council shall choose the chairperson of the council. The council shall meet at least four times each year and shall convene special meetings at the call of the chairperson, a majority of the members of the council or the commissioner of public health. Members of the council shall be appointed for terms of two years and no member shall be appointed to serve more than two consecutive terms. Upon the expiration of the term of an appointed member, a successor shall be appointed in like manner for a term of two years. Members of the council shall serve without compensation but shall



be reimbursed, subject to appropriation, for expenses actually and necessarily incurred in the discharge of their duties.

SECTION 44. Section 5G of chapter 18 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "claimant", in lines 11, 12, and 19, each time it appears, the following words:- or the claimant's heirs, estate or legal representative.

SECTION 45. Chapter 19A of the General Laws, as so appearing, is hereby amended by inserting after section 4B the following section:-

Section 4C. (a) For the purposes of this section, the following words shall have the following meanings:

"Eligible person", a resident of the commonwealth at the time of application.

"Office", the executive office of elder affairs.

"Participating manufacturer", a pharmaceutical manufacturer which offers prescription medications or nonprescription medications at a reduced cost or free of charge to indigent persons pursuant to a voluntary drug assistance program.

"Prescription medications", prescription drugs that have been approved as safe and effective by the federal Food and Drug Administration or are otherwise legally marketed in the United States and that are manufactured and offered by pharmaceutical companies.

(b) There is hereby established the pharmacy outreach program for the purposes of assisting residents of the commonwealth in obtaining free or low cost prescription medications or nonprescription medications from pharmaceutical manufacturers and educating such persons about health care issues related to medications. The office shall administer the program in conjunction with an outside vendor who shall be selected by the office pursuant to procurement regulations promulgated under the authority of the executive office of administration and finance.

(c) The pharmacy outreach program shall assist eligible persons in procuring free or low cost prescription medications or nonprescription medications by:

(1) evaluating the likelihood of success of an eligible person's obtaining free or low cost prescription medications or nonprescription medications from a participating manufacturer under the guidelines formulated;

(2) assisting an eligible person with the preparation of an application for prescription medications or nonprescription medications to participating manufacturers; and

(3) coordinating and assisting a physician registered pursuant to section 2 of chapter 112 with communications, including applications, made on behalf of an eligible person to a participating manufacturer for the purpose of obtaining approval of the eligible person in any voluntary drug assistance program.

(d) The pharmacy outreach program shall also establish a medication education and intervention resource center which shall:

(1) create and maintain a statewide toll free telephone number staffed by individuals who are qualified to counsel and advise eligible persons and anyone participating in the prescription drug subsidized insurance program pursuant to sections 39 and 40, on questions that they may have about prescription drugs or nonprescription drugs;

(2) sponsor and organize presentations, workshops and screenings in conjunction with other organizations that serve the interests of the elderly and other eligible persons on issues of mental and physical health;

(3) offer and provide information on prescription medications and nonprescription medications including, but not limited to, information on drug interactions and abuse; and

(4) offer in-person counseling to eligible persons for the purpose of explaining proper medication use and discouraging medication misuse.

(e) The office shall promulgate such regulations as are necessary to implement the pharmacy outreach program.

SECTION 46. Said chapter 19A is hereby further amended by adding the following two sections:-

Section 39. (a) For the purposes of this section and section 40, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Department", the department of elder affairs.

"Eligible person", a resident of the commonwealth who:

(1) is 65 years of age or older; or

(2) has a gross annual household income of not more than 188 per cent of the federal poverty level; does not work more than 40 hours per month and meets: (i) the disability requirements of the CommonHealth program, so-called, under clause (h) of subsection (2) of section 9A of chapter 118E, notwithstanding the income eligibility requirements under said clause (h); or (ii) the disability requirements of the CommonHealth program, so-called, under section 16 of said chapter 118E, notwithstanding the income eligibility requirements under said clause (h); or (iii) the disability requirements of the CommonHealth program, so-called, under section 16A of said chapter 118E; or

(3) meets the requirements of subparagraph (2) and is enrolled as of March 31, 2001 in the Pharmacy Plus program, so-called, established pursuant to section 313 of chapter 127 of the acts of 1999; and

(4) is not eligible for pharmacy benefits or coverage under said chapter 118E other than under said clause (h) of said subsection (2) of said section 9A, said section 16, or said section 16A, of said chapter 118E.

"Enrollee", an eligible person who has applied and enrolled in the program established by this section.

"Mail service program", a program to dispense prescription drugs by postal delivery service designated and administered by the department, and any entity with which it contracts, upon an enrollee's submission of a prescription and the applicable co-payment.

"Maintenance drug", a prescription drug prescribed to an individual for a chronic condition, the use of which is medically necessary for a consecutive period of 90 days or longer.

"Pharmacy benefit manager", an entity under contract with the department, whether organized on a for-profit or a not-for-profit basis, contracted to manage the program established by this section.

"Program", the subsidized catastrophic prescription drug insurance program.

"Review commission", the prescription drug review commission.

(b) The department shall administer a subsidized catastrophic prescription drug insurance program designed to provide eligible persons with prescription drug coverage. The program shall be actuarially sound. Enrollment in the program shall be voluntary and shall be funded each fiscal year, subject to appropriation, from the Tobacco Settlement Fund established by section 2XX of chapter 29.

(c) The secretary, in conjunction with the secretary of administration and finance, shall enter into a competitively procured contract with one or more entities including, but not limited to, a pharmacy benefit manager, to administer benefits under the program. The secretary shall take all necessary steps to ensure that the program is structured in a way that maximizes savings, efficiencies, affordability, benefits and coverage. The procurement shall explicitly be made a part of, or said contract shall be performed in conjunction with, the aggregate purchasing program established by section 271 of chapter 127 of the acts of 1999, or any successor statute. No prescription drug shall be excluded from any formulary established for the program unless another prescription drug is available on said formulary that is therapeutically equivalent to the excluded prescription drug. Not less than 90 days prior to procuring a contract with an existing pharmacy benefit manager, the department shall file a report with the review commission detailing the cost savings associated with the department's decision to procure such existing pharmacy benefit manager's services. The department shall contract with entities to perform marketing, enrollment, billing, claims processing, claims management or any other function it deems necessary.

(d) Notwithstanding any general or special law to the contrary, the department shall, subject to appropriation, engage in outreach marketing

efforts to maximize enrollment in the program for the purpose of spreading the risk, so-called, of the program established herein.

(e) Not later than 30 days prior to enrolling eligible persons in said program, and annually thereafter, the department shall establish schedules of monthly premiums and annual deductibles based on a sliding income scale payable by enrollees whose gross annual household income is greater than 188 per cent of the federal poverty level. The department shall also establish schedules of monthly premiums and deductibles based on a sliding income scale payable by married applicants whose gross annual household income is greater than 188 per cent of the federal poverty level. The commonwealth shall be liable for the cost of the monthly premium and annual deductible established by the schedule for any and all enrollees including, but not limited to, married applicants, whose gross annual household income is less than or equal to 188 per cent of the federal poverty level. Said schedules shall provide for not less than six separate categories of premiums and deductibles, on a sliding scale basis, for all income levels above 188 per cent of the federal poverty level. During the first 12 months of the program, the schedule shall provide for monthly premiums of: (1) not more than \$15 for enrollees including, but not limited to, married applicants whose gross annual household income is between 188 per cent and 200 per cent of the federal poverty level; and (2) not more than \$25 for enrollees including, but not limited to, married applicants whose gross annual household income is between 200 per cent and 225 per cent of the federal poverty level; and (3) not more than \$82 for enrollees whose gross annual household income exceeds 500 per cent of the federal poverty level. Annual deductibles shall range between \$100 and \$500. Eligibility for the program shall be determined based on an enrollee's gross annual household income. Each enrollee shall separately pay the monthly premium and annual deductible applicable to the sliding scale income category for such household, as determined by the department.

(f) The department or its designee shall verify income for the program based on the submission of the most recently required federal income tax return for the household or, if an applicant is not required to file a return,

the submission of copies of monthly checks or other easily obtainable means of income verification. Residency shall be verified by the submission of such documentation as the department deems reasonable.

(g) Subject to this section, the program shall pay the costs of all prescription drugs for an enrollee whose out-of-pocket expenditures on prescription drugs exceeds the lesser of (a) 10 per cent of such enrollee's gross annual household income; or (b) \$2,000 in out-of-pocket expenditures made by an enrollee for co-payments and deductibles in a fiscal year. For purposes of this paragraph, out-of-pocket expenditures shall not include monthly premiums for which an enrollee shall remain responsible. The program shall pay the costs of any prescription drug in excess of the co-payment amount applicable to such drug after the deductible established for such an enrollee has been reached.

(h) An enrollee whose gross annual household income is greater than 200 per cent of the federal poverty level shall be responsible for a co-payment for each prescription of: (a) \$10 per prescription for a generic drug; (b) \$25 per prescription for a preferred drug; and (c) the greater of \$25 or 50 per cent of the cost per prescription for a nonpreferred drug. The co-payment for maintenance drugs shall be: (a) \$20 for each 90-day supply of a prescription for a generic drug; (b) \$50 for each 90-day supply of a preferred drug; and (c) the greater of \$50 or 50 per cent of the cost per prescription of a nonpreferred drug.

(i) An enrollee whose gross annual household income is less than or equal to 200 per cent of the federal poverty level shall be responsible for a co-payment for each prescription of: (a) \$5 per prescription for a generic drug; (b) \$12 per prescription for a preferred drug; and (c) the greater of \$25 or 50 per cent of the cost per prescription for a nonpreferred drug. The co-payment for maintenance drugs shall be: (a) \$10 for each 90-day supply of a prescription for a generic drug; (b) \$25 for each 90-day supply of a preferred drug; and (c) the greater of \$50 or 50 per cent of the cost per prescription of a nonpreferred drug.

(j) Subject to this section, the department may offer a mail service program and may require the use of a mail service program for maintenance drugs. No such mail order program for maintenance drugs shall be required unless the secretary determines in writing that material savings will result to the commonwealth or enrollees without compromising the health or safety of enrollees. In making such determination, the secretary shall consider the impact of any such mail order program on the value of the retail pharmacy services in the communities. Prior to making any such determination, the secretary shall hold at least one public hearing in order to hear testimony from members of the public. Any such mail service program shall be administered by the department, and the contracted pharmacy benefit manager.

(k) In order to maintain the fiscal viability of the program, after the first 12 months of said program, cost sharing required of enrollees in the form of co-payments, premiums and deductibles, or any combination thereof, shall be adjusted annually by the department to reflect price trends for prescription drugs, as determined by the secretary. The review commission shall evaluate the actuarial assumptions and the appropriateness of such adjustments and make an annual written determination whether such adjustments are necessary for all or any combination of such cost sharing requirements. Not later than 90 days prior to making any such adjustments, the secretary shall submit to the chairman of the senate and house committees on ways and means the reasons therefor, the written determination made by the commission and all actuarial assumptions and other supporting materials upon which such adjustments are based.

(l) During the initial 12-month period the program is in effect, an eligible person may enroll at any time, after which, application to the program shall be made during an open enrollment period established by the department, but a person shall be eligible to enroll in the program at any time within the year of reaching age 65. The department shall establish a surcharge for any eligible person whose gross annual household income is not less than 188 per cent of the federal poverty level and who fails to enroll within their first year of eligibility.

(m) Coverage shall be effective as of the date an application for enrollment is approved by the department. The secretary shall close the open enrollment period or modify income eligibility levels upon a written determination by the secretary that program expenditures are projected to exceed the amount appropriated for the program or, based on not less than nine months of claims and enrollment data for the current fiscal year, expenditures in the subsequent fiscal year are clearly projected to annualize beyond the expenditures projected by the department in the subsequent fiscal year. If such projection is based on expenditures in the subsequent fiscal year, the secretary shall not modify income eligibility levels or close open enrollment until not earlier than the beginning of the subsequent fiscal year.

(n) The department, and any entity with which it contracts, shall inform enrollees in writing of the program's scope, coverage, cost sharing requirements and any limitations on access to prescription drugs. The department, and any entity with which it contracts, shall provide for a clear and timely process by which enrollees can appeal a decision by the department or any contracted entity to deny or limit coverage or benefits under this section.

(o) The appeal process shall, at a minimum, provide enrollees with the opportunity to (1) obtain a nonpreferred drug at the co-payment level of a preferred drug, or to obtain any prescription drug excluded by the program, upon a separate written certification by the enrollee's physician, satisfactory to the department, that the nonpreferred or excluded drug is medically necessary and there is no therapeutically equivalent preferred drug available to the enrollee; (2) a provision allowing enrollees to appeal the exclusion of any prescription drug from any formulary established for said program. An enrollee may apply to be exempt from any mail service requirement of the program upon a separate written certification by the enrollee's physician, satisfactory to the department, that due to a disability or other significant limiting factor, the use of such a mail service program would be medically inappropriate for the enrollee. A retail pharmacy shall not be



required to dispense a prescription upon the failure of an enrollee to make the required co-payment.

(p) The department shall promulgate such rules and regulations as may be necessary to implement and administer the program.

Section 40. (a) There shall be a prescription drug review commission, hereinafter referred to as the commission, to oversee the program established in section 39. The commission shall consist of: the speaker of the house of representatives; the president of the senate; the chairs of the house and senate ways and means committees or their designees; the co-chairs of the joint committee on health care or their designees; the secretary of elder affairs or his designee and nine members to be appointed by the governor, including two representatives of senior citizens' advocacy organizations, two representatives of disability advocacy organizations, a health care economist from a university or college within the commonwealth, two representatives from retail pharmacies, an individual who is a full-time employee of a pharmaceutical manufacturer and an individual who is a full-time employee of a biotechnology manufacturer. A representative of the contracted pharmacy benefit manager shall also participate, but shall not be a voting member of the commission.

(b) The commission shall be co-chaired by the speaker of the house of representatives and the president of the senate. The commission shall adopt such rules and establish such procedures as it deems necessary for the oversight of the program established in section 39. No action of the commission shall be considered approved unless it is endorsed by a majority vote of the commission.

(c) The commission shall meet quarterly and shall, not less than biannually, submit written recommendations to the governor regarding changes to the administration, management, eligibility criteria, benefits, funding or any other aspect of the program.

(d) To facilitate the commission's development of the recommendations, the department, and any entity with which it contracts, shall review the

operations of the program and, not less than quarterly, prepare and submit the following summary information to said commission:

(1) financial reports of said program, including actual and projected costs and revenues and an analysis of the adequacy of appropriated funding;

(2) enrollment information, including enrollee demographics and benefit utilization data;

(3) specific problems associated with the program and suggested strategies to resolve such problems;

(4) a review of the pharmacy benefit manager's designated formulary for the program and any proposed changes thereto;

(5) an analysis of current and future technological advancements that may result in cost savings or otherwise affect the program;

(6) an analysis of the program's cost sharing requirements including, but not limited to, co-payments, premiums and deductibles, in relation to actual market trends in prescription drug costs, prescription drug inflation and any proposed changes thereto;

(7) an analysis of the disabled enrollees' drug utilization pattern including, but not limited to, the cost associated with such utilization and the implications for expanding benefits to all disabled individuals who reside in the commonwealth; and

(8) all other information requested by the commission.

In developing its recommendations, the commission shall consult with representatives of parties who may be affected by the commission's recommendations including, but not limited to, the drug formulary commission, as established by section 13 of chapter 17.

SECTION 47. Sections 39 and 40 of chapter 19A of the General Laws are hereby repealed.

SECTION 48. Section 4 of chapter 21J of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 17 and 18, the words "only upon the written order of the state fire marshal or his designee".

SECTION 49. Section 8 of said chapter 21J, as so appearing, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence:- Seven members shall constitute a quorum but, for the purposes of voting to approve any reimbursement pursuant to this chapter, five members shall constitute a quorum.

SECTION 50. Section 11 of chapter 22 of the General Laws, as so appearing, is hereby amended by inserting after the word "forty-three", in line 14, the following words:- and one representative of the department of fire services.

SECTION 51. Section 14 of chapter 22C of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No person who has been convicted of a felony or any offense punishable under chapter 94C or has been convicted of a misdemeanor and has been confined to any jail or house of correction as punishment for said crime shall be appointed as an employee of the department, including but not limited to a uniformed member, clerk, assistant or expert; provided, however, that the colonel may certify for appointment a civilian employee who has been convicted of a misdemeanor if that appointment will contribute substantially to the work of the department.

SECTION 52. Said chapter 22C is hereby further amended by inserting after section 24 the following section:-

Section 24A. (a) Any person who has been retired for disability pursuant to section 6, 7, or 26 of chapter 32 who, upon return to active service in the same position, would so return in the position of a sworn member of the department of state police and is subsequently determined capable of employment as a sworn member of the state police pursuant to subdivision (5) of section 26 of chapter 32 by the rating board, as defined in subdivision (1) of said section 26, shall be placed in such position prior to the appointment from an eligible list or promotional list established pursuant to the provisions of section 11 or 26; provided, however, that such member shall, upon petition to the colonel, obtain the prior written certification by the colonel, as a condition for placement under this section; provided,

further, that such member, shall not return to work in such position if such member does not meet the appointment standards of said department as set forth in section 14 of chapter 22C. If the member seeking to return to work in the position of a sworn member of said department exceeds a one year in break of service, the colonel shall not allow the member to return to such position if the member fails to successfully pass a background investigation, drug testing, applicable physical fitness testing, psychological testing, and complete retraining as determined by the colonel.

(b) The colonel shall, within 40 days immediately following the receipt of a written petition for certification, either certify the petitioner for reinstatement or deny such petition for certification and serve written notice of such denial and of the reason therefor upon the applicant by first class mail, postage prepaid; provided, however, that the colonel shall deny such request submitted by or on behalf of any petitioner who is disqualified by law from placement under this section.

Any petitioner denied certification under this subdivision may within either 45 days after receiving notice of such denial or 45 days after the expiration of the time period during which the colonel is required to respond to the petitioner, file a petition to obtain judicial review in the superior court having jurisdiction in the city or town wherein the petitioner lives and a justice of said court, after having heard all of the facts, may direct that a position be made available to the petitioner if he finds that there was no reasonable ground for refusing such certification and that the petitioner was not prohibited by the hiring standards from placement under this section.

(c) If, after two years from the date that a member is retired under section 6, 7 or 26 and would return to active service in the same or similar position as a sworn member of the department of the state police if meeting requirements set forth in paragraph (a), the regional medical panel determines that the retired member is qualified for and able to perform the essential duties of the position from which he retired or a similar position within the same department, as determined by the colonel, said member shall be returned to such position, provided said member meets the requirements for those who have a break of service of more than one year and further that the position is vacant; provided however, that said returning retired member shall displace or supersede an individual currently on existing eligible or promotional lists only with the approval of the colonel.

(d) Any member, retired for disability for more than three years shall not return to active service for the department if such member fails to meet the requirements set forth in paragraph (a) and fails to complete state police academy training as required by the colonel.

SECTION 53. Chapter 29 of the General Laws is hereby amended by striking out section 2U, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:—

Section 2U. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Ponkapoag Recreational Fund. There shall be credited to said fund revenues generated from fees or any other revenue source at the Ponkapoag golf course in the Blue Hills Reservation in the town of Canton. Such revenues shall be credited to said fund in the following manner: (1) the first \$700,000 in revenues shall be deposited in said fund and shall be used, subject to appropriation, for capital improvements, equipment, and maintenance of said

golf course, including the costs of personnel; (2) revenues which are in excess of \$700,000, but less than \$1,100,000, shall be credited to the general fund; and (3) revenues generated in excess of \$1,100,000 shall be credited to said fund and shall be used, subject to appropriation, for capital improvements, equipment, and maintenance of said golf course, including the costs of personnel.

SECTION 54. The last sentence of the first paragraph of section 2FF of said chapter 29, as so appearing, is hereby amended by striking out clause (d).

SECTION 55. Said chapter 29 is hereby further amended by striking out section 2II, as so appearing, and inserting in place thereof the following section:—

Section 2II. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Leo J. Martin Recreational Fund. There shall be credited to said fund revenues generated from fees or any other revenue source at the Leo J. Martin golf course in the town of Weston and the city of Newton. Such revenues shall be credited to said fund in the following manner: (1) the first \$450,000 in revenues shall be deposited in said fund and shall be used, subject to appropriation, for capital improvements, equipment, and maintenance of said golf course, including the costs of personnel; (2) revenues which are in excess of \$450,000, but less than \$865,000, shall be credited to the general fund; and (3) revenues generated in excess of \$865,000 shall be credited to said fund and shall be used, subject to appropriation, for capital improvements, equipment, and maintenance of said golf course, including the costs of personnel.

SECTION 56. Said chapter 29 is hereby further amended by inserting after section 2XX the following two sections:—

Section 2YY. There is hereby established and set up on the books of the commonwealth a separate fund to be known as the False Claims Prosecution Fund. There shall be credited to such fund all monies received by the commonwealth as a result of actions brought by the attorney general or a relator pursuant to section 5A of chapter 12, including costs and attorneys fees. Amounts credited to such fund shall be expended, subject to appropriation, as follows: (i) payable by the treasurer to a relator, in such amount as has been awarded to the relator by final judicial order in an action under said section 5A of said chapter 12; (ii) to the account of the commonwealth agency or to a political subdivision, in an amount equal to the monetary loss actually incurred by said agency or political subdivision as a result of acts or omissions that were the subject of the action or settlement; (iii) to the office of the attorney general, in the amount of costs and attorneys fees incurred by such office and recovered by the attorney general; (iv) to the office of the inspector general for costs and attorneys fees incurred by such office and recovered by the attorney general on behalf of such office; (v) to the office of the state auditor for costs and attorneys fees incurred by such office and recovered by the attorney general on behalf of such office; and (vi) such other sums necessary for the investigation and prosecution of actions under said section 5A of said chapter 12. At the end of each fiscal year, the comptroller shall transfer to the general fund any balance remaining in the False Claims Prosecution Fund after such expenditures.

Section 2ZZ. (a) There is hereby established and set up on the books of the commonwealth a separate nonlapsing, revolving fund to be known as the Catastrophic Illness in Children Relief Fund, hereinafter called the fund. The fund shall be administered by The Catastrophic Illness in Children Relief Fund commission established pursuant to chapter 111K and shall be credited with monies received pursuant to sections 6, 9 and 10 of said chapter 111K.

(b) The state treasurer, ex officio, shall be the custodian of the fund and shall receive, deposit and invest all monies transmitted to her under this section and shall credit interest and earnings on the fund to said fund.

(c) The state treasurer shall adopt rules and regulations in accordance with chapter 30A on procedures for the collection of the fee established under section 9 of said chapter 111K.

SECTION 57. The second paragraph of section 6 of chapter 29C of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Notwithstanding the foregoing but subject to the limit on contract assistance provided in this section, all permanent loans and other forms of financial assistance made by the trust to finance the costs of water pollution abatement projects on the department's intended use plan for calendar year 2002 and any subsequent calendar year shall provide for a subsidy or other assistance in the payment of debt service thereon such that such loans and other forms of financial assistance shall be the financial equivalent of a loan made at an interest rate equal to 2 per cent.

SECTION 58. Subsection (g) of section 18 of said chapter 29C, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Notwithstanding the foregoing but subject to the limit on contract assistance provided in this section, all permanent loans and other forms of financial assistance made by the trust to finance the costs of drinking water projects on the department's intended use plan for calendar year 2002 and any subsequent calendar year shall provide for a subsidy or other assistance in the payment of debt service thereon such that such loans and other forms of financial assistance shall be the financial equivalent of a loan made at an interest rate equal to 2 per cent.

SECTION 59. Section 3 of chapter 29D of the General Laws, as appearing in section 43 of said chapter 127, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Of the annual sums transferred by the comptroller from the Health Care Security Trust Fund to the Tobacco Settlement Fund pursuant to paragraph (c), 25 per cent shall be dedicated to the purposes of tobacco control.

SECTION 60. Said section 3 of said chapter 29D, as so appearing, is hereby further amended by adding the following paragraph:-

(i) The attorney general shall file a quarterly report with the state comptroller, the state budget director and the house and senate committees on ways and means which shall include, but not be limited to, the following: (a) an updated schedule of payments due the commonwealth pursuant to the master settlement agreement in the tobacco action; (b) an analysis of any imminent factors that may affect the industry's ability to generate such payments to the commonwealth; (c) a detailed account of the analysis and methodology used to determine the variations associated with said schedule of payments; (d) an explanation of the financial impact that such variations in said schedule of payments shall have upon the amount due to the commonwealth and the industry's obligation to the commonwealth; and, (e) an itemized account of any and all amendments that have been made to the master settlement agreement.

SECTION 61. Section 39K of chapter 30 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of this section, at any time after the value of the work remaining to be done is, in the estimation of the awarding authority, less than 1 per cent of the adjusted contract price, or the awarding authority has determined that the contractor has substantially completed the work and the awarding authority has taken possession for occupancy,

the awarding authority may send to the general contractor by certified mail, return receipt requested, a complete and final list of all incomplete and unsatisfactory work items, including, for each item on the list, a good faith estimate of the fair and reasonable cost of completing such item. The general contractor shall then complete all such work items within 30 days of receipt of such list or before the contract completion date, whichever is later. If the general contractor fails to complete all incomplete and unsatisfactory work items within 45 days after receipt of such items furnished by the awarding authority or before the contract completion date, whichever is later, subsequent to an additional 14 days' written notice to the general contractor by certified mail, return receipt requested, the awarding authority may terminate the contract and complete the incomplete and unsatisfactory work items and charge the cost of same to the general contractor and such termination shall be without prejudice to any other rights or remedies the awarding authority may have under the contract. The awarding authority shall note any such termination in the evaluation form to be filed by the awarding authority pursuant to the provisions of section 44D of chapter 149.

SECTION 62. Section 39M of chapter 30 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word "if", in line 56, the following words:- , in the opinion of the awarding authority:.

SECTION 63. Said section 39M of said chapter 30, as so appearing, is hereby further amended by inserting after the word "thirty B", in line 90, the following words:- ; and (5) to any contract solely for the purchase of material awarded by a governmental body, as defined by section 2 of chapter 30B, in accordance with section 5 of said chapter 30B.

SECTION 64. Said section 39M of chapter 30 of the General Laws, as so appearing, is hereby further amended by adding the following subsection:-

(f) For any contract for construction, reconstruction, alteration, remodeling or repair of any public work awarded pursuant to this section and estimated by the awarding authority to cost more than \$500,000, the awarding authority shall, as a condition for the disbursement and acceptance of any funding from the commonwealth, employ or contract with an owner's representative, as defined in subsection (1) of section 44A of chapter 149.

SECTION 65. Subsection (b) of section 1 of chapter 30B of the General Laws is hereby amended by striking out clause (9), as so appearing, and inserting in place thereof the following clause:-

(9) a contract to purchase supplies or services from, or to dispose of supplies to, any agency or instrumentality of the federal government, the commonwealth or any of its political subdivisions or any other state or political subdivision thereof;.

SECTION 66. Section 2 of said chapter 30B, as so appearing, is hereby amended by inserting after the word "thereof", in line 21, the following words:- ; or an individual duly appointed by the governing board of an authority or other governmental body to procure supplies and services for the authority or governmental body.

SECTION 67. Section 4 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 2, the words "one thousand dollars" and inserting in place thereof the following figure:- \$5,000.

SECTION 68. Said section 4 of said chapter 30B, as so appearing, is hereby further amended by striking out, in line 3, the words "ten thousand dollars" and inserting in place thereof the following figure:- \$25,000.

SECTION 69. Said section 4 of said chapter 30B, as so appearing, is hereby further amended by striking out, in line 9, the words "ten thousand dollars" and inserting in place thereof the following figure:- \$25,000.

SECTION 70. Said section 4 of said chapter 30B, as so appearing, is hereby further amended by striking out, in line 14, the words "one thousand dollars" and inserting in place thereof the following figure:- \$5,000.

SECTION 71. Section 5 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 2, the words "ten thousand dollars" and inserting in place thereof the following figure:- \$25,000.

SECTION 72. Subsection (g) of said section 5 of said chapter 30B, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The time for acceptance may be extended for up to 45 days by mutual agreement between the governmental body and the apparent lowest responsible and responsive bidder or, for a contract requiring payment to the governmental body, by mutual agreement between the governmental body and the highest apparent responsible and responsive bidder.

SECTION 73. Section 6 of said chapter 30B, as so appearing, is hereby amended, by striking out, in line 2, the words "ten thousand dollars" and inserting in place thereof the following figure:- \$25,000.

SECTION 74. Subsection (j) of said section 6 of said chapter 30B, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The time for acceptance may be extended for up to 45 days by mutual agreement between the governmental body and the responsible and responsive offeror offering the most advantageous proposal as determined by the chief procurement officer.

SECTION 75. Section 7 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 2, the words "ten thousand dollars" and inserting in place thereof the following figure:- \$25,000.

SECTION 76. Section 13 of said chapter 30B, as so appearing, is hereby amended by striking out clause (4) and inserting in place thereof the following two clauses:-

(4) the increase in the total contract price does not exceed 25 per cent but a contract for the purchase of gasoline, special fuel, fuel oil, road salt or other ice and snow control supplies shall not be subject to this limit; and

(5) the governmental body, with the agreement of the contractor, may reduce the unit price for supplies or services or both specified in a contract to be paid by the governmental body at any time during the term of the contract or when an option to renew, extend or purchase is exercised.

SECTION 77. Section 15 of said chapter 30B, as so appearing, is hereby amended by striking out, in lines 20 and 21, the words "five hundred dollars" and inserting in place thereof the following figure:- \$5,000.

SECTION 78. Section 16 of said chapter 30B, as so appearing, is hereby amended by adding the following subsection:-

(i) Acquisitions or dispositions of real property or any interest therein pursuant to this section between governmental bodies and the federal government, the commonwealth or any of its political subdivisions or another state or political subdivision thereof shall be subject to subsections (a), (b) and (g).

SECTION 79. Section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "State official" the following definition:-



"State police surgeon", the physician designated by the colonel of the department of state police to serve as the physician for the department.

SECTION 80. Section 3 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in lines 338 and 339, the words "and the chief fire warden and district fire wardens in the executive office of environmental affairs" and inserting in place thereof the following words:- the chief fire warden and the district fire wardens in the executive office of environmental affairs and the fire marshal of the department of fire services in the executive office of public safety; but the fire marshal shall have been a member of group 4 for ten years or have had ten years or more employment at the department of fire services or its predecessor agencies, the division of fire prevention and the Massachusetts firefighting academy, before being eligible for benefits under this section.

SECTION 81. Said section 3 of said chapter 32, as so appearing, is hereby further amended by inserting after the words "state retirement system", in line 477, the following words:- or the State-Boston retirement system.

SECTION 82. Section 5 of said chapter 32, as so appearing, is hereby amended by inserting after the word "town", in line 99, the following words:- or by a sheriff.

SECTION 83. Section 5B of said chapter 32, as so appearing, is hereby amended by inserting after the word "agent," in line 31, the following words:-, the state police surgeon if the member is seeking to return to work in the position of a sworn member of the department of state police,.

*SECTION 84. Said section 5B of said chapter 32, as so appearing, is hereby amended further by striking out, in line 60, the words "6 or 7" and inserting in place thereof the following words:- 6, 7 or 26.*

*SECTION 85. Said section 5B of said chapter 32, as so appearing, is hereby amended further by striking out, in line 73, the words "6 or 7" and inserting in place thereof the following words:- 6, 7 or 26.*

*SECTION 86. Said section 5B of said chapter 32, as so appearing, is hereby amended further by striking out, in line 93, the words "6 or 7" and inserting in place thereof the following words:- 6, 7 or 26.*

SECTION 87. Section 9 of said chapter 32, as so appearing, is hereby amended by striking out, in line 48, the words "and does not remarry".

SECTION 88. Option (d) of subdivision (2) of section 12 of said chapter 32, as so appearing, is hereby amended by striking out the eleventh paragraph.

SECTION 89. Section 12 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 159, the words "two-thirds of".

SECTION 90. Said section 12 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 163, the words "two-thirds of".

SECTION 91. Subsection (5) of section 20 of chapter 32, as so appearing, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c)(1) Whenever any such board shall find it impossible or impracticable to consult an original record to determine the date of birth, length of service, amount of regular compensation or other pertinent fact with regard to any member, it may, subject to the approval of the actuary, use estimates thereof on any basis which in its judgment is fair and just. The board, upon discovery of any error in any record of the system, shall, as far as practicable, correct such record.

(2) When an error exists in the records maintained by the system or an error is made in computing a benefit and, as a result, a member or beneficiary receives from the system more or less than the member or beneficiary would have been entitled to receive had the records been

correct or had the error not been made, the records or error shall be corrected and as far as practicable, and future payments shall be adjusted so that the actuarial equivalent of the pension or benefit to which the member or beneficiary was correctly entitled shall be paid. If it is determined that a member has contributed an incorrect amount to the retirement system, the member shall be required to contribute an amount sufficient to correct such error or the board shall pay an amount to the member to correct such error, as the case may be.

(3) At the request of a member or beneficiary who has been determined to have been paid amounts in excess of those to which he is entitled or at the request of a member who has been determined to owe funds to the retirement system, the board may waive repayment or recovery of such amounts provided that:

(i) the error in any benefit payment or amount contributed to the system persisted for a period in excess of one year;

(ii) the error was not the result of erroneous information provided by the member or beneficiary; and

(iii) the member or beneficiary did not have knowledge of the error or did not have reason to believe that the benefit amount or contribution rate was in error.

(4) This paragraph shall apply to any demand made after January 1, 1995 for repayment of excess payment or amounts owed to a retirement system made by a retirement board.

SECTION 92. Subdivision (1) of section 26 of said chapter 32, as so appearing, is hereby amended by inserting after the introductory paragraph the following definition:

"Department", the department of state police.

SECTION 93. Said section 26 of said chapter 32, as so appearing, is hereby further amended by adding the following subdivision:-

(5) (a) The commission shall require, after consultation with the rating board, any person retired for disability pursuant to the provisions of section 6, 7, or 26 who upon return to active service would so return in the position of a sworn member of the department of state police to participate in an evaluation to determine whether the member is able to perform the essential duties of the position from which he retired or a similar position within the department for which he is qualified without a medical or vocational rehabilitation program, or whether such member's return to his position or similar position within the department would likely be expedited by participation in a medical or vocational rehabilitation program.

Such evaluation shall occur once per year during the first two-year period next succeeding the date of his retirement, once in each three-year period thereafter, and at any time upon the written request by any such member; provided, however, that an initial evaluation shall occur as soon as possible after October 1, 1996 for any member who has been retired for more than two years and has not participated previously in such an evaluation. Such evaluations shall occur not more frequently than once in any 12 month period; provided, however, that the commission may excuse a member from such evaluation based on its determination that such evaluation is unwarranted due to the catastrophic nature of the member's illness or injury; and provided, further, that any member who has been retired for disability under the provisions of section 6, 7, or 26 for more than ten years and has during such time complied with the evaluation requirements under this paragraph shall not be required to participate in any further such evaluations.

Such evaluations shall include a medical examination for the purpose of assessing the total mental and physical condition of the member and one of the physicians to perform such medical examination shall be the state police surgeon.

If, following the evaluation, the commission determines that such retired member may benefit from such a rehabilitation program and that such a program is cost effective, the state board of retirement shall provide such rehabilitation program for such member and shall pay the costs of the program less any benefits payable under insurance policies of the member for such programs and less any scholarships or grants otherwise available for such programs. Such rehabilitation program shall include only such services as shall appear on a list of services approved by the commission. Any such member who is unreasonably denied access to such program may appeal such denial to the contributory retirement appeals board.

*If the retired member fails to complete the program without good cause, said member's rights in and to the pension provided for in section 6, 7 or 26 shall immediately be suspended. Said member may appeal his suspension to the contributory retirement appeals board.*

Upon the completion of the rehabilitation program the rating board shall require the member to submit to a medical examination; provided, however, that if the board believes that an examination is unwarranted, the board shall file a statement of fact with the commission, stating the reasons why the examination is unwarranted. If the commission rejects this statement, the board shall conduct the examination.

The examination required pursuant to this section shall, at a minimum, determine the scope of the member's physical capabilities in light of the completed rehabilitation program and whether the member is able to perform the essential duties of his position or the essential duties of a similar position within the department given the member's condition. If such member shall fail to appear at any such required examination without good cause, all his rights in and to the retirement allowance provided for in section 6, 7 or 26 shall be terminated by the rating board; provided, however, that the member shall be given written notice and an opportunity to be heard prior to such termination. Said member may appeal such termination to the contributory retirement appeals board.

*For the purpose of conducting a medical examination under this section, the commission may appoint either a single physician or a three-member panel to examine the retired member; provided, however, that the single physician shall be the state police surgeon or one of the three members of the medical panel to examine the member,*

*(b) If not more than two years immediately following the date on which a member is retired for disability under section 6, 7, or 26 who, upon return to active service in the same position, would so return in the position of a sworn member of the department of state police, a medical panel, following an examination conducted in accordance with paragraph (a), determines that such retired member is able to perform the essential duties of the position from which he retired or a similar position within the department for which he is qualified, as determined by the colonel, or so finds following the completion of a rehabilitation program required under paragraph (a), the rating board shall notify the public employee retirement administration commission and the colonel shall, subject to the provisions of section 24A of chapter 22C, return the member to such position and his disability retirement shall be revoked.*

*If the position shall pay less than the position from which such member shall have retired, such member shall be granted an amount from the department equal to the difference between the regular compensation of the position to which the member is restored and the regular compensation the member would have received had he been restored to the position from which he retired.*

*If more than two years immediately following the date on which a member is retired for disability under section 6, 7, or 26 who, upon return to active service, would so return in the position of a sworn member of the department of state police, a medical panel, following an examination conducted in accordance with paragraph (a), determines that such retired member is able to perform the essential duties of any position within the department for which he is qualified, as determined by the colonel, or so finds following the completion of a rehabilitation program required under paragraph (a), the*

*rating board shall notify the public employee retirement administration commission and the colonel and, subject to the provisions of section 24A of chapter 22C, the member shall be granted preference for the next available position for which he is so qualified and upon his return to active service his disability retirement shall be revoked.*

*If the position shall pay less than the position from which such member shall have retired, such member shall be granted an amount from the department equal to the difference between the regular compensation of the position to which the member is restored and the regular compensation the member would have received had he been restored to the position from which he retired.*

(c) Upon return to active service, such member shall again become a member in service and regular deductions shall again be made from his regular compensation. Any creditable service in effect for him at the time of his retirement for disability shall thereupon be restored to full force and effect. In addition, the member shall receive creditable service for the period during which he was retired provided, however, that as a condition to receiving creditable service for any such period the member shall be required to make contributions as though he was an active member serving in the position from which he retired during that period.

If the member is subsequently retired for disability pursuant to subdivision (2) due to the same condition or an aggravation of the same condition for which he had previously retired within one year immediately following the date on which he was first permitted to perform the functions of his position following his return to active service under paragraph (b) or if a criminal history inquiry or screening for controlled substances, as defined under section 1 of chapter 94C, reveals a disqualifying condition that arose prior to such return to active service, the retirement allowance paid to the member as a result of such subsequent retirement shall not exceed the amount of the retirement allowance paid to the member as a result of his previous retirement.

If a retired member of the department files for reinstatement after three years of separation from the department, the colonel shall have discretion to determine the terms and conditions of such member's eligibility for promotional examinations, seniority in rank, and longevity for purposes of promotion.

The colonel may promulgate rules and regulations to effectuate the purpose of this section.

(d) Nothing in this subdivision shall excuse an employer or a member returned to work under the provisions of this section from compliance with the provisions of section 103 of chapter 93.

(e) If as a result of a medical report by a medical panel convened pursuant to the provisions of paragraph (a), as a result of the submission of earnings information under section 91A, or as the result of the completion of a rehabilitation program as provided for under paragraph (a), or under subdivision (5) of section 21, the commission finds that such retired member is engaged or is able to engage in gainful occupation and that the annual rate of his actual or potential earnings is less than his regular compensation as defined in this subdivision, but is more than the difference between such regular compensation plus the sum of \$5,000, and the normal yearly amount of his pension, then the yearly amount of his pension shall be reduced, and if his actual or potential earnings are more than such regular compensation, his pension shall be suspended.

Notwithstanding any other provisions of this section, if such member submits earnings

information pursuant to section 91A, indicating earnings in excess of regular compensation, as herein described, such member's pension shall be reduced as provided for in this paragraph and shall not be increased for a period of one year unless such medical report finds that the mental or physical condition of such member has deteriorated. If the annual rate of his earnings should later be changed, the yearly amount of his pension shall be further modified by reinstating, increasing, reducing, or suspending it, as the case may be.

For purposes of this paragraph, regular compensation means, subject to further definition by regulations of the public employee retirement administration commission, regular compensation which would have been payable during the preceding year had the member continued in service in the grade held by him at the time he was retired. The public employee retirement administration commission shall, subject to the provisions of section 50 of chapter 7, promulgate regulations establishing, and providing a system for annually adjusting for inflation and such other equitable factors as the commission deems relevant, the fair amount of outside income that may be earned by a member retired pursuant to section 6, 7, or 26 and shall promulgate regulations for the determination of the potential earnings of any such retired member based upon such member's functional capacity, age, education, experience and, if applicable, the denial of placement under paragraph (b) and the reason therefor.

The member shall be given written notice and an opportunity to be heard prior to any such modification and any such modification may be appealed by the member to the contributory retirement appeals board.

SECTION 94. Section 28K of said chapter 32, as so appearing, is hereby amended by adding the following paragraph:-

An employee who fulfills the requirements of the preceding paragraph shall be credited with creditable service for any period after January 1, 1975 and shall contribute to the retirement fund an amount which he would have contributed had such employee remained in the service of the commonwealth or a political subdivisions thereof, together with regular interest thereon, under the terms and conditions defined by the retirement system of which he is a member. This paragraph shall take effect for the members of a retirement system by majority vote of the board of such system, subject to the approval of the legislative body. For the purposes of this section, "legislative body" shall mean the town meeting for the purposes of a town system, the city council subject to the provisions of its charter in a city system, the district meeting in a district system, the county commissioners in a county system and the governing body of an authority in an authority system. Acceptance shall be deemed to have occurred upon the filing of a certificate of acceptance with the commission.

SECTION 95. Section 90A of said chapter 32, as so appearing, is hereby amended by inserting after the word "officer", in line 15, the following words:- , or state police officer who retired prior to July 1, 1992,.

SECTION 96. Said chapter 32, as so appearing, is hereby further amended by inserting after section 90C½ the following section:-

Section 90C¾. A former state police officer, retired prior to July 1, 1992, who has been retired under any provision of this chapter or similar provision or earlier law on account of superannuation after having served in the state police force for a period of not less than 20 years shall have his retirement allowance increased to an amount not exceeding one-half the rate of regular compensation payable to state police officers holding similar positions, at the time of increasing such allowance, in the comparable grade or classification occupied by such former officer at the time of his retirement.

SECTION 97. The first paragraph of section 100 of said chapter 32, as so appearing, is hereby amended by striking out the second sentence.

SECTION 98. Said section 100 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 25, the words "or remarriage".

SECTION 99. Said section 100 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 31 and 32, the words "or remarriage".

SECTION 100. Section 101 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words ", for as long as she remains unremarried".